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The British government decision to found a colony at Botany Bay, New South Wales in 1786

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The British Government Decision to Found a Colony at Botany Bay in New South Wales in 1786

A thesis submitted to the King's College London in
fulfilment of the requirements for the degree of
Doctor of Philosophy

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ABSTRACT

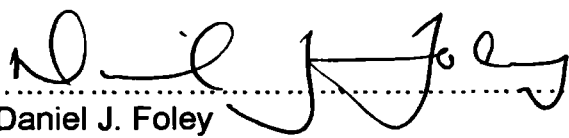
It is a common misconception that the colony at Botany Bay was founded purely so that Britain could rid herself of her convicts. This would have made the alleged convict crisis in Britain a first order consideration for the Pitt Government. It was not. Pitt had two major problems on coming to office – finance and trade – and the solutions to them were not mutually exclusive. Each depended on his skill at filling Treasury coffers and on the successful completion of the complicated trade treaties with France, Holland and Spain after the American War of Independence.

Numerically speaking there was no convict crisis, rather a prison problem. The towns and cities in England and Wales refused to build the expensive prisons required under legislation passed in 1778-9; instead seeking a resumption of transportation. Pressure was brought on Government by the merchants in the House of Commons. They dominated the Beauchamp Committee of 1785, which recommended a resumption of that punishment.

Pitt saw the advantages to be gained from having an armed settlement in the Far East. During his commercial treaty negotiations in 1786-7 he did not wish to arouse the suspicion of his European rivals, but still saw the opportunity a colony would present in case there was a resumption of hostilities. New South Wales helped solve a number of Pitt's problems. Most importantly, the swing to the east helped him financially. Next it secured the southern trade route to China and placed a strategic base at the rear of the French, Dutch and Spanish possessions. And, as a matter of relatively minor detail, it also salved the conscience of the Enlightenment lobby by solving his prison problem. Unfortunately a generation of war intervened shortly after the settlement was founded and not until 1815 did it start to achieve what Pitt originally envisaged.

DECLARATION

I, the undersigned, a candidate for the Degree of Doctor of Philosophy in the University of London, declare that this thesis entitled, 'The British Government Decision to Found a Colony at Botany Bay in New South Wales in 1786' has been composed by me, and that the work is mine alone, unless otherwise stated.


.....
Daniel J. Foley

For Patsy

Who never wavered in her belief.

Acknowledgements

Without the generous help of many people and institutions it would not have been possible for me to complete this study. It is impossible to name all those who have extended help, offered advice, provided encouragement and listened, sometimes in the wee small hours of the night.

For providing the initial inspiration I would like to thank my sister-in-law Mary Welch, who, in telling of the Crusades, made history come alive for me and communicated the excitement of handling original historical documents. To my three sons, who never stopped asking questions but listened, especially if I provided the alcoholic sustenance.

To the librarians and support staff of the many institutions where a research student must spend their time. But especially the staff at the Mitchell Library in New South Wales; the National Library of Australia in Canberra; the National Maritime Museum, Greenwich; the British Library in London; the curator of the Wallace Collection, London; the National Library and Scottish Record Office in Edinburgh; the National Archives and National Library in Dublin; the recently renamed National Archives of England (formerly the Public Record Office), and the Institute of Historical Research. To Wendy Bridge for producing the maps.

I must also thank Professor Alan Frost, who spared the time in his busy schedule to discuss my research, both in Melbourne and London; and, Dr. Graham Abbott, who spent the time communicating with me via the internet and graciously sent me a copy of his manuscript. My thanks also go to Professors Blainey and Bolton, who were prepared to discuss my initial research proposal and findings during a whirlwind stay in London in 2000.

My biggest thanks is reserved for Professor Carl Bridge, a man who has courage, humour and dedication. Dedication to his profession and the students he supervises; an ability to see the amusing in life's rich tapestry, especially that of a struggling student; and the courage to take this mature man as a student in the first place.

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List of Abbreviations used in the text

I - Archival locations

BL	British Library (London)
ML	Mitchell Library, State Library of New South Wales
NAS	National Archives of Scotland
NLA	National Library of Australia
NLI	National Library of Ireland
NLS	National Library of Scotland
NMM	National Maritime Museum (Greenwich)
OIOC	Oriental and India Office Collections
PRO	Public Record Office, London
ADM	Admiralty
CO	Colonial Office
FO	Foreign Office
HO	Home Office
SP	State Papers
T	Treasury

II - Printed Sources

- Auckland *The Journals and Correspondence of William, Lord Auckland*, Richard Bentley (ed.), 4 vols. (London, 1861)
- Banks *The 'Endeavour' Journal of Joseph Banks*, J.C. Beaglehole (ed.), 2 vols. (Sydney, 1963)
- Barham *Letters and Papers of Charles, Lord Barham*, J.K. Laughton (ed.), 3 vols. (London, 1907-11)
- Buckingham Duke of Buckingham & Chandos, *Memoirs of the Court and Cabinets of George III*, 4 vols. (London, 1853-5)
- Cassel *The History of the British People, Volume V – From the Revolutionary Settlement to Waterloo*, 6 vols. (London, 1965)
- Cook *The Journals of Captain James Cook on his Voyages of Discovery*, J. C. Beaglehole (ed.) 4 vols. (Cambridge, 1955-74)
- Cornwallis *Correspondence of Charles, First Marquis Cornwallis*, Charles Ross (ed.), 3 vols. (London, 1859)
- DNB Dictionary of National Biography
- Dropmore *The Manuscripts of J.B. Fortescue, Esq., Preserved at Dropmore*, 10 vols. (H.M.C. London, 1892-1927)
- Ehrman John Ehrman, *The Younger Pitt – the Years of Acclaim*, (London, 1969)
- Harlow Vincent T. Harlow, *The Founding of the Second British Empire*, 2 vols. (London, 1952 and 1964)
- HRA *Historical Records of Australia*, 1st series, 26 vols. (Sydney, 1914-25)
- HRNSW *Historical Records of New South Wales*, A. Britton and F.M. Bladen (eds.), 7 vols. (Sydney, 1892-1901)
- LCG *The Later Correspondence of George III*, A. Aspinall (ed.), 5 vols. (Cambridge, 1962)
- Leeds *The Political memoranda of Francis, Fifth Duke of Leeds*, O. Browning (ed.), (London, 1884)

- Malmesbury *Diaries and Correspondence of James Harris, First Earl of Malmesbury*, 3rd Earl of Malmesbury (ed.), 4 vols. (London, 1844)
- Pitt *The Speeches of the Right Honourable William Pitt in the House of Commons*, W.S. Hathaway (ed.), 3 vols. (London, 1808)
- Radzinowicz Leon Radzinowicz, *A History of Criminal Law and its Administration from 1750*, 6 vols (London, 1948-86)
- Rose J. Holland Rose, *William Pitt and National Revival*, (London, 1911)
- Smith Adam Smith, *An Enquiry into the Nature and Causes of the Wealth of Nations*, 2 vols. (London, 1776)

III - Journals

AEHR	Australian Economic History Review
AHS	Australian Historical Studies
AJHS	Australian Jewish Historical Society
AJPH	Australian Journal of Politics and History
EcHR	Economic History Review
EHR	English Historical Review
HJ	The Historical Journal
HS	Historical Studies
JAS	Journal of Australian Studies
JECh	Journal of Economic History
JRAHS	Journal of the Royal Australian Historical Society
MM	Mariners Mirror
PB	Push from the Bush
THS	Tasmanian Historical Studies
THRA	Tasmanian Historical Research Association
RHSV	Royal Historical Society of Victoria

Chapter 1 Debating Botany Bay

'His Majesty...has been pleased to signify me his Royal commands that measures should immediately be pursued for sending out of this kingdom such of the convicts as are under sentence or order of transportation.'¹ So wrote Lord Sydney, the Home Secretary in Pitt's government, on 18 August 1786, in a letter to the Treasury. Why did the British government see the need once more to resurrect transportation after a number of hapless and half-baked attempts in the previous eight years? Sydney gave one major reason – the gaols were in such a crowded and dangerous state that he had no other option. That fundamental decision would eventually lead to the transportation of over 163,000 convicts to Australia and Norfolk Island over the next sixty years.² As Home Secretary, Sydney was responsible for dealing with the convicts. But was there more to the decision? Historians have argued about Sydney's decision for more than a century.

The prevailing views among historians have tended to agree with Sydney that the decision was simply a matter of overcrowded gaols, although alternative reasons have been put forward over the last fifty years. Those alternative views have emphasised Britain's strategic motives for securing the trade links with the Far East, or, the necessity of supplying Britain's eastern naval squadrons with the raw materials required to remain a dominant fighting force. More often than not the resulting studies have tended to cloud the issue, making the original decision more difficult to understand than ever. Much of the confusion has arisen because nearly all Australian scholars have insisted on viewing the question from an Australian perspective: that is *ex post facto*, effectively through the wrong end of the telescope. Those scholars have been anachronistic in seeing in the development of the colony after 1788 evidence of the reasons for its beginning. This was not so. It was a British decision made for British reasons.

¹ T1/639, ff. 142-6.

² L.L. Robson, *The Convict Settlers of Australia*, 2nd ed. (Melbourne, 1994), p.4.

The convict bias began with the first assessment of the colony by a select committee of the House of Commons when it examined transportation to Australia in 1812.³ In essence it was no more than a practical review of all that had been accomplished in the new colony since 1788. No critical comment was made of the settlement other than to recommend better opportunities for creating trade, that more women should be sent out, and that the opportunity to return to Britain should be provided for many more of the convicts whose sentence had expired. The upshot of the report was no more than a reinforcement of British transportation policy. During the next thirty years two further government reviews were held, the Bigge committee of enquiry between 1819 and 1821 and the Molesworth committee of 1837 to 1838. No comment was passed on the reasons behind the 1786 Government decision other than the necessity of ridding Britain of convicts. Bigge provided an important commentary on the problems faced by the administrators of New South Wales, both in London and Sydney, and set out a programme for the future development of the new hybrid colony.⁴ Molesworth, on the other hand, was critical of using convicts, in essence as slaves. In both cases their comments referred to the Australian end of the situation, after initial settlement.

Then came a long silence, to be broken at the centenary of the settlement in 1888 by E.C.K. Gonner who wrote an article for the *English Historical Review*⁵ that looked at the problems created for the British government by the American Declaration of Independence, and the knock-on effect of the cessation of transportation to the thirteen colonies. In that article Gonner introduced the reader to schemes that had been put forward, prior to Sydney's decision, by the American Loyalist James Matra and the British naval Captain Sir George Young, which showed advantages that might be reaped from a colony in New South Wales. Matra's original proposal was for a settlement for his fellow American Loyalists from which trade benefits for Britain might result. His original scheme did not propose setting up the colony

³ *Parliamentary Papers*, Report from the Select Committee on Transportation, 1812.

⁴ *Parliamentary Papers*, Report from Commissioner Bigge on the State of the Colony of New South Wales, 1822.

⁵ E.C.K. Gonner, 'The Settlement of Australia', *EHR*, Vol.3 (1888), pp.625-43.

with convicts. That additional proposition came a year later in a private letter to the Foreign Secretary, Charles James Fox. The memorial of Sir George Young, submitted in January 1785 to the Attorney General, replicated certain aspects of Matra's proposal, and the further benefit of transporting convicts to New South Wales was explained.

Gonner's analysis cited few papers but these led him to the conclusion that although there might have been a valid reason to send convicts to New South Wales due to the state of the prisons, this was not the only reason. 'Those who sent it [the First Fleet] aimed at something more important than the mere founding of a new criminal establishment',⁶ Gonner wrote, going on to explain, perceptively, that subsequently the French Revolution and Napoleonic Wars greatly interfered with Government objectives for the settlement. It is disappointing that Gonner did not elaborate further on the 'something more important' or what other reasons government might have had. However, for the first time an historian had speculated that there might have been motives for founding the colony other than ridding Britain of her convicts.

Shortly after Gonner's article, and before any more had been written about the settlement, a collection of documents was collated and published. The *Historical Records of New South Wales*⁷ consisted of Government documents collated by New South Wales civil servants from the archives of the Public Record Office in London. This collection started with the letters and journals of Lieutenant James Cook and various members of his crew. But the opening document in the second part of volume one was the memorial of James Matra in August 1783. Why start with Matra? Could it be simply that the papers were from many different sources, arguably an almost inexhaustible supply, and editorially it was just not possible to include everything in the *Records*? In the 1890s, travel and access was not as easy as it is today, photocopying did not exist and everything had to be written in

⁶ Ibid.

⁷ A. Britton and F.M. Bladen, eds., *The Historical Records of New South Wales* (Sydney, 1892-1901).

longhand. It seems that the researchers thought that the answer lay in the Home Office files as these dealt with the convicts, and beyond that the Parliamentary records of the day. Consequently, they looked no further. Although we will never know the reasons, this meant that studies of the new colony started with Matra's paper in 1783 and quickly led to Sydney's letter in 1786. The *Historical Records of Australia*,⁸ produced in a similar fashion between 1914 and 1925, followed suit, but they started even later with Governor Arthur Phillip's and the other officers' commissions. As a result, for several generations to come, little primary documentation was available to Australian historians for the period from 1775, when transportation stopped after the commencement of the American War of Independence and an alleged prison crisis developed in England, to 1783, when Matra wrote his memorial. Later historians, Australians and non-Australians alike, therefore, tended to concentrate on the gaols crisis, almost to the exclusion of any other explanation.⁹

In the 1920s and 1930s a group of Australian historians wrote new works on the history of their country that became standard textbooks in the Australian schools and universities.¹⁰ Typically, these gave a brief synopsis of the British decision to found the colony, stating that it was because of the British desire to be rid of the convicts, and thus developed the 'dumping ground' thesis so popular amongst many Australians. Naturally these volumes concentrated on connecting Australia's European beginnings with the settlement of the land and the colony's social origins and constitutional development. They did not re-visit the reasons for the British decision. Without citing any new original sources each concentrated on and developed the idea that Australia was founded to overcome Britain's convict problem.

⁸ *Historical Records of Australia*, 1st series (Sydney, 1914-25).

⁹ J.D. Rogers, *A Historical Geography of the British Colonies*, 6 vols. vol. VI – Australasia (Oxford, 1907); J. Holland Rose, *William Pitt and National Revival* (London, 1911); J. Holland Rose, A.P. Newton and E.A. Benians, eds., *The Cambridge History of the British Empire – Volume II, The Growth of the New Empire*, especially ch.12 on transportation, and Ernest Scott, ed., *Volume VII, Australasia*, especially ch.3 on British settlement.

¹⁰ G.A. Wood, *The Discovery of Australia* (London, 1922); G.V. Portus, *Australia Since 1606: A History for Young Australians* (Melbourne, 1932); Keith Hancock, *Australia* (London, 1930) and *Two Centuries of Change: An Elementary History for Young Australians* (Melbourne, 1934); A.C.V. Melbourne, *Early Constitutional Developments in Australia: New South Wales, 1788-1856*, 2nd ed. (Brisbane, 1963).

No account was taken of any other potential reason. No one seemed interested in challenging the traditional interpretation. For example, was there really a convict crisis? If there was, where was the evidence to support that view? Was there a need for transportation or could other punishments have been applied? What else could the British government have done? It suited the Australian ethos and mentality, as these had developed by the early twentieth century, to see Australian society as having its origins with a collection of scallywags and underdogs who were simply dumped on the other side of the world by their supposed betters.¹¹

Two further works in the 1930s supported the traditional view by examining slightly different dimensions of the debate. Two Australians, Wilfred Oldham and Eris O'Brien, completed PhD theses at the University of London, and both theses were later published as books.¹² Oldham's primary focus was on the history of the system of transportation. His work concentrated on the administration of transportation from its first use in Elizabethan times when convicts were sent to the American colonies and West Indies to its use in the first colony in Australia. Oldham's is an important piece of work because it is a thorough study of the administration of transportation, but in relation to the reasons behind the decision to found the Australian settlement it is wanting, only reinforcing the traditional view. For an examination of penal practice in Britain and Ireland at that time we must go to O'Brien.

O'Brien's research was in two parts. The first looked at the political, social and legal backgrounds to the alleged penal crisis in the 1780s whilst the second concentrated on the colony after settlement. Like all of his generation of scholars, he saw the reason for the decision as unproblematic,

¹¹ See, for example, G.A. Wood, 'Convicts', *JRAHS*, vol. 8 (1922), pp. 177-208. The classic expansion of this view came after the Second World War in Russel Ward, *The Australian Legend* (Melbourne, 1958).

¹² Wilfred Oldham, *The Administration of the System of Transportation of British Convicts, 1763-1793*, PhD thesis, University of London, 1932. His son W. Hugh Oldham has recently published Oldham's work as *Britain's Convicts to the Colonies* (Sydney, 1990). This thesis was first mentioned by Professor A.G.L. Shaw, in *Convicts and the Colonies* (London, 1966). Eris O'Brien, *The Foundation of Australia*, PhD thesis, University of London, 1936, was published as a book of the same title in 1937.

simply a response to the problem of prison overcrowding. His research was put together from examinations of Parliamentary records, private papers of important members of both Houses of Parliament, and government correspondence, manuscripts and reports from the national archives in England, Ireland and Australia. It showed the development of the hulks, prisons and transportation systems. We must be grateful for the extensive nature of his research, for he introduced much new material that had previously never been considered. However, his comments on the state of crime were flawed, and for fundamentally good reasons. Until the 1960s little detailed analysis of crime and the criminal law was undertaken and comment was usually confined to the works of the Fielding brothers, Hogarth and Colquhoun, the more detailed work of John Howard on prisons, or the large volume of later work produced by the Webbs and Hammonds on crime, disorder and policing. (Radzinowicz's *History of English Criminal Law* was still to be written.)¹³ But all these works suffered from the same basic flaws: no detailed population figures existed before 1801, and crime recording was non-existent before 1805.¹⁴ O'Brien, and other scholars of the 1930s, needed to dig much deeper to uncover the true extent of crime and the alleged prison crisis.

O'Brien and others had to rely on Parliamentary accounts, which at best gave some detail, but unfortunately were inaccurate, tending to concentrate on only a small number of prisons, usually Newgate prison in London and others in the Home Counties. O'Brien's comments that 'the plethora of felons in the gaols eventually over bore them,' and that 'by February 1779...the gaols were still so crowded as to occasion "such scenes of cruel neglect and misery as were shocking to humanity and repugnant to

¹³ Sir J. Fielding, *A plan for preventing robberies within twenty miles of London* (London, 1755); Henry Fielding, *An enquiry into the causes of late increases of robbers* (London, 1751); P. Colquhoun, *A Treatise on the Police of the Metropolis* (London, 1795); John Howard, *The State of the Prisons in England and Wales* (London, 1792); L. Radzinowicz, *A History of English Criminal Law and Its Administration from 1750*, 5 vols (London, 1948-86); S. Webb and B. Webb, *English Local Government from the Revolution to the Municipal Corporations Act*, 9 vols (London, 1906-29); J. L. Hammond and B. Hammond, *The Village Labourer* (London, 1911), *The Town Labourer* (London, 1917), and *The Skilled Labourer* (London, 1919).

¹⁴ Clive Emsley, *Crime and Society in England, 1750-1900* (London, 1987), ch. 2.

sound policy”,¹⁵ added to the view that Britain needed to get rid of her convicts and that Australia was the dumping ground for them. O'Brien went on to state that the 'Heads of a Plan', an enclosure accompanying Sydney's letter to the Treasury, set out the general arrangements for forming the new settlements. After analysing the 'Heads' document, O'Brien formed the opinion that any commercial advantage was secondary to the necessity of emptying Britain's gaols.¹⁶ He argued that any schemes that put forward commercial arguments for a settlement in Australia (and there were a number before the First Fleet sailed) came after the decision to settle and were not measures that prompted the decision. Had he come to the wrong conclusion? If he meant after the decision in terms of time, then clearly this was untrue. One only has to look at the schemes of Matra, Young and Call to realise that commercial considerations for a settlement in New South Wales were being proposed to government as early as 1783. However, if he meant after the decision in terms of priority, the case is arguable, as we shall see. Perhaps O'Brien simply did not want to analyse commercial or imperial considerations, focusing instead on the penology of the time. This is a shame, as it reinforced the traditional bias towards convicts and made it subsequently more difficult to challenge.

By the late 1930s and early 1940s historians had injected a Marxist aspect into the question. Brian Fitzpatrick's *British Imperialism and Australia, 1783-1833: An Economic History* and R.M. Crawford's *Australia*,¹⁷ both suggest the transportation of convicts as the sole reason, using no new primary evidence. Fitzpatrick gave a distinctly socialist twist on the founding and aftermath, which might be considered unsurprising when his political persuasions are taken into account. Crawford, a true student of G.A. Wood, relied on his Marxist approach to espouse the point that Australia was founded with convicts, to ensure the supremacy of a landed elite back in England, and to instil in the remaining population a sense of social order. These strikingly Australian works, written immediately before and after the

¹⁵ Eris O'Brien, *The Foundation of Australia*, 2nd ed. (London, 1950), p.113.

¹⁶ *Ibid.*, p.124.

¹⁷ Brian Fitzpatrick, *British Imperialism and Australia 1788-1833: An Economic History* (London, 1939); R.M. Crawford, *Australia* (London, 1952).

shock of the Second World War, were scholarly in original thought, but understandably concentrated on the development of the new country after its convict beginnings. They must be considered suspect on the origins of the settlement.

By the 1950s, the traditional 'convict dumping ground' interpretation was deeply entrenched and held sway unchallenged. This argued that transportation to America had ceased in 1775 and - except for a few fumbling efforts to send convict transports to West Africa, Virginia and Honduras over the next decade - had created a prison crisis in England. This reached allegedly mammoth proportions when the American War of Independence ended, with the discharge of as many as 100,000 young soldiers and sailors in Britain, who for lack of work turned to crime. Added to this was the dilemma faced by the British government in dealing with thousands of American Loyalists.¹⁸ It seems odd that, after Gonner, historians never questioned the convict crisis idea, for it placed the convict problem at the forefront of policy, a position it in fact never held either at the time of the decision or afterwards, as we shall see.

The writing that had been done thus far, while it looked at certain evidence which might have been suggestive of another approach, such as Matra's proposals for a new settlement for American Loyalists, Young's plans for a convict settlement in New South Wales and Sydney's all important letter and enclosures to the Treasury, failed to examine any other possible influences on the decision. Even from a convict crisis viewpoint, apart from brief overviews of the prison hulks, no examination was conducted of the alleged prison overcrowding. Historians paid no attention to the other domestic problems facing the governments in the early 1780s, such as political instability, the acute financial crisis, the East India Company's problems, and relations with foreign powers. Was this because the evidence was not freely available to Australian historians, for no others concerned

¹⁸ Some 60,000 American Loyalists had been displaced from the thirteen American colonies at the end of the War of Independence. Most had gone to Canada but nearly nine thousand had travelled to England and were living in various states of poverty.

themselves significantly with the issue? The evidence does exist, but in the archives in England. With the exception of O'Brien no historian had examined the development and use of convict labour in England, and the knock-on gains for government, although some comment had been made in passing on the use of convicts in the embryonic American colonies. Some comment had also been made on the various punishments available, and the reluctance to implement the Bloody Code,¹⁹ but commentators chose not to follow their own arguments into an examination of how and why it was better to use convict labour, in England or in the colonies, or enact legislation for an alternative punishment.²⁰ Did the prison administration exist in the 1780s to supervise this convict labour in Britain? No one seemed willing to ask. Could any use have been made of that convict labour elsewhere? No one asked that question either. And in what way would it benefit government? Again, little research was conducted on these important aspects of the alleged gaols crisis.

While analysis of the original decision was left continually unrefined, the traditional viewpoint became widely accepted, and that view was being taught to generations of young Australians. Then K.M. Dallas presented a paper to the Tasmanian Historical Research Association in 1952.²¹ This little known economic historian set out a different view of the reasons for the birth of the settlement, one that was to have a profound effect on later historical studies. Dallas posed a couple of new and interesting questions. Why was Governor Phillip ordered to settle Norfolk Island immediately? Why was he ordered later to assist Vancouver in his expedition to North West America? Dallas then argued that surely the extra costs and risks involved in forming a convict settlement in Australia, rather than somewhere closer to England, suggested a deeper reason for the settlement. And he made the point that settlement rather than prison should have been the historians' focus. Dallas argued that the convict crisis in England erupted during a mercantilist age.

¹⁹ The Bloody Code refers to the two hundred or so offences for which the punishment was the death penalty.

²⁰ Apart from O'Brien see the relevant chapters of the *Cambridge History of the British Empire* (Note 9 supra).

²¹ K.M. Dallas, 'The first settlement in Australia: considered in relation to sea-power in world politics', *THRA*, vol.1, no.3 (1952), pp. 1-12.

Merchants needed cheap labour to build the factories and wharves necessary to establish foreign bases, which in turn assisted the government in their attempts to expand British hegemony. Ships also required ballast on their outward journeys. Paid cargoes were best but in the event that it was not available non-paying cargo was used. What better way to provide cheap ballast than at government expense and in the form of convicts who might be used later as manual labour in any new settlement?

Dallas concentrated on four specific aspects of trade: China tea; North American fur; South American silver and gold; and, whaling and sealing, then called the South Seas Fishery.²² Britain in the mid 1780s was looking to China for its trade growth rather than the West Indies, and Cook's second voyage had provided a safer, alternative sea route to Canton, south around Australia rather than north through the potentially hostile Dutch waters of the Indonesian archipelago. A settlement at Botany Bay would provide a base for refreshment for the East India Company ships. Given the new independence of the Americans, the base also would offer an opportunity to guard the western approaches to the Pacific. Norfolk Island, Dallas continued, would provide the naval stores - Norfolk pine and flax plants - that might be necessary for passing fleets. For similar reasons a base was required for the southern whaling and sealing fleets; and this despite opposition from the East India Company to any base in their Charter area, which extended from the Cape of Good Hope eastwards to Cape Horn. He pointed out that the Company's opposition was slowly being eroded. The southern fishery not only provided future labour for the Royal Navy if necessary, but also allowed cross-fertilisation of information with ships' crews from other nations that in turn provided essential intelligence in times of war. All these aspects, Dallas stated, were under consideration by the government when Sydney wrote his letter.²³

Unfortunately, Dallas produced only a small amount of primary evidence to support his revolutionary hypothesis. His inference appears to be

²² Ibid.

²³ Ibid.

drawn from papers submitted by the Enderby family²⁴ to the Committee of the Privy Council for Trade and Plantations²⁵ seeking an extension to their whaling industry. Could the Enderby influence have altered government thinking to the extent that Dallas implied? There was no doubt that the Government was taking steps to ensure control of the China tea trade at the time, and was equally concerned about the loss of bullion in the furtherance of that trade, as we shall see. However, Dallas did not elaborate on either aspect, preferring instead to concentrate on the Enderby submissions. So was Dallas merely drawing conclusions from events *ex post facto*? It is difficult to follow Dallas's argument in detail for there are no footnotes to his paper and his evidence is not adduced in any logical sequence. His leap from Britain's trade in the West Indies and China to the Pacific rim is not properly explained, especially as the Pacific was not then known to be an area for regular discussion in Government circles. He also raised the important question of the cost of setting up the colony without quoting the details that are available from the records, although he argued that some cost was essential to set up the buildings and defences prior to any further use being made of the settlement. Notwithstanding the long established mercantilist policy of using convict labour in Britain's colonies, was this cost justified? Dallas raised the question but did not provide an answer.

Dallas's paper opened up the intriguing possibility that there might have been alternative reasons for the settlement. He was the first historian since the now long-forgotten Gonner to question the orthodoxy. After Dallas's 1952 paper any researchers should have had food for thought while delving through the various archives, and at the back of their minds they should have known that they would now have to take into account the Dallas hypothesis.²⁶

²⁴ The Enderby family were whalers with strong connections to Nantucket in America. They made a number of applications to government for southern fishery rights.

²⁵ BT 5/3, pp.111, 231 and 263-5. The firm of Enderby, Champion and St. Barbe submitted their application to fish the South Seas in January 1786. The Committee for Trade examined Enderby in March that year.

²⁶ John Reynolds, M.D. McRae, D.A. Davie and N.J. Holland opposed the Dallas view at the next meeting of the Tasmanian Historical Research Association. They stated that the evidence for his views on Pacific commerce, sea routes to China, or government commercial intentions did not exist in any of the known official papers. Citing previous Australian

A.G.L. Shaw was one of the first to cast doubt on the Dallas view in 1953, again before the Tasmanian Historical Research Association.²⁷ He argued that transportation was established British penal practice and, as far as New South Wales was concerned, did not really come into full force until after the Napoleonic Wars. Shaw believed anyone researching the 1786 decision needed to undertake an examination of English law and the state of crime in the late eighteenth century; they were the prime factors in Sydney's decision. But we have already seen that this latter aspect is very problematic. Arguing that transportation remained the second major punishment after the death penalty, Shaw's 1953 paper concentrated on the post-Napoleonic period, 1816-41, and added little to the debate about Sydney's original decision.

Then in 1957 Michael Roe uncovered some evidence that appeared to support the Dallas commercial view. In the PRO archives he found a draft letter from Evan Nepean, the Under Secretary at the Home Office, to his opposite number in Dublin, written in October 1786.²⁸ The draft letter included a paragraph that espoused the ideas in Matra's and Young's proposals that the flax and timber from the region (New South Wales and Norfolk Island) might prove of commercial benefit to England in due course. But the paragraph had been left out of the final letter. Why? Could it have been because commercial negotiations were still ongoing between the two countries and the English government did not wish to upset the Irish negotiators?²⁹ Perhaps it was because the Irish flax industry was essential for Britain, and the government would not wish to jeopardise that source of supply. Roe left the question hanging.

historians, like O'Brien, Evatt and Melbourne, they made the point that the only conclusion that could be reached was Britain's desire to rid herself of her convicts.

²⁷ A.G.L. Shaw, 'The British Criminal and Transportation', *THRA*, vol. 2, no.2 (1953).

²⁸ CO 202/5, ff.1-4. Original draft at HO 110/18, ff. 369-72.

²⁹ Michael Roe argued that nations were unlikely to play their hands where mercantile factors were involved. Secrecy was essential, especially if the Government wished to find a way around the East India Company monopoly. By using convicts Government created a shield, both from the Company and others who felt that colonies or settlements were wasteful and dangerous, for their real ambitions. See *HS*, vol.8 (1957-9), pp. 202-13.

The English imperial historian Trevor Reese wrote in 1961 that it was too easy to read a 'dumping convicts' aspect into the available evidence. He argued that 'An act of policy seldom has one simple origin; it is more likely to have been occasioned by several motives, of which one would be of primary significance in the sense that without it the others would have been ineffective, but the others, for their part, may well have produced the environment or attitude of mind required for the primary motive to lead to a definite action.'³⁰ Colonies, he continued, provided useful social and economic relief, providing work for the unemployed, better opportunities for the poor, and a convenient outlet for the undesirable. The resultant benefit to England was always a consideration in the minds of those who conceived the plans for settlement abroad, and the labour that was used to enable a settlement to develop, whether convict or free, rarely entered government thinking before the decision was made.

If Reese's line of thinking is followed it leads to the question: what was the primary motive? This is the crux of the debate. Traditionalists argue that it was the gaols crisis, but have they considered the volatility of the political situation in the 1780s, the state of the nation's finances when the decision was debated, or the worries about the commercial treaty negotiations with France, Spain and Holland? Reese's arguments were interesting because they began for the first time to suggest an analysis of overall government policy. Looking at the wider picture, rather than the close confines of the convict problem, his analysis of the debate roved from penal to commercial to strategic.

Quoting that aspect of Matra's memorial that dwelt on the strategic nature of the plan, especially with regard to Holland and Spain, Reese stated, 'Strategic consideration cannot fail to have affected British ministers in the years that followed.'³¹ In the first half of the 1780s Britain was either involved in the American War of Independence or trying to complete the peace and

³⁰ Trevor Richard Reese, 'The Origin of Colonial America and New South Wales: an essay on British imperial policy in the eighteenth century', *AJPH*, vol. 7, no. 2 (1961), pp. 186-97.

³¹ *Ibid.*

commercial treaties after that war. France, Spain and Holland, who had all aligned themselves with the thirteen colonies, were intent on reducing Britain's hold on the global markets, and wanted to regain certain territories they had ceded in the 1763 Treaty of Paris.³² Could the negotiations have affected the decision? Reese argued that they could.³³ So what was the British government attempting to achieve in their negotiations with France, Spain and Holland? Could a settlement at Botany Bay assist those negotiations, and if so, how? Reese left those questions unanswered.

Reese's thought-provoking paper was lost in the wake of the publicity surrounding the publication of the first volume of Manning Clark's magisterial *History of Australia*.³⁴ Clark brought to bear a detailed scholarship, which used more primary material than heretofore, but he was writing Australian history to which the British aspect would always be a prologue. Clark had already demonstrated correctly that some of the convicts, far from being the innocent victims of a brutal class system, were in fact hardened criminals bent on a life of crime.³⁵ Unfortunately when he discussed the Botany Bay decision he cherry-picked those aspects that supported the traditional view, not even mentioning the other arguments. Writing about the Beauchamp committee report,³⁶ for instance, Clark noted the point that convicts should be put to labour, but forgot to mention that it was in the furtherance of trade. Yet the fundamental point being made by Beauchamp was that there was a need to set up a triangular trade in the South Atlantic. Slave ships would be used to transport convicts outward, collect slaves from West Africa on their return journey, thence to the West Indies and America, and return with goods from that region to Britain. Neither did Clark acknowledge Beauchamp's point

³² The Treaty of Paris ended the Seven Years War, 1756-63.

³³ Reese, op. cit. Harlow had published the first volume of his *The Founding of the Second British Empire* in 1954 and his second volume, in which Harlow had anticipated some of Reese's argument in his 'swing to the east' hypothesis, was being edited by A.F. Madden for publication in 1964, after Harlow's untimely death.

³⁴ C.M.H. Clark, *A History of Australia, Volume I – From the Earliest Times to the Age of Macquarie* (Melbourne, 1962).

³⁵ C.M.H. Clark, 'The Origins of Convicts Transported to Eastern Australia 1787-1852', *HS*, vol. 7, no.26-7 (1956), pp.121-35, 314-27.

³⁶ The Beauchamp committee was set up in April 1785 and sat until June that year ostensibly to examine the government idea to transport convicts to West Africa. It made the recommendation that transportation should be a fundamental matter of penal policy and suggested despatching the convicts to Das Voltas, present day Namibia.

about the necessity of a port of refreshment on the outward and return legs of the East Indies journeys, to safeguard outward and returning East Indiamen, or the commercial gains that might thus be made. Clark alluded to commercial possibilities only to dismiss them, stating that 'in a perfunctory, slapdash way, some of the commercial arguments for New Holland were tacked on to the Botany Bay solution for the evil of over-crowded gaols.'³⁷ This was simply untrue.

In fact, as we shall see, the commercial motives of Britain's European neighbours were very high on the government's agenda, and became particularly important at the end of the American war. Far from dealing with commerce in a 'perfunctory, slapdash way', government sought the best possible deal from each of the co-signatories that diplomacy could achieve. Commercial benefits were debated at length, as evidenced by the many papers in the Public Record Office and British Library.³⁸ Matra's scheme was originally proposed before any problems created by an alleged surge in the convict population had surfaced,³⁹ and Banks's evidence to the 1779 Bunbury Committee made that recommendation even earlier.

At the time, Manning Clark's work carried immense weight and it was to take an historian of equal stature to challenge Clark's views. In 1966 Geoffrey Blainey published his *Tyranny of Distance*.⁴⁰ Blainey rejected the previous explanations that set out to prove that Australia was founded so Britain could dump her convicts. He argued that there were many other places that convicts could have been sent, if that was the primary reason, and at a considerably lesser cost.⁴¹ Echoing Dallas, Blainey gave details of

³⁷ Clark, *A History*, p.69.

³⁸ See also Bishop of Bath & Wells, *The Journals and Correspondence of William, Lord Auckland*, 4 vols. (London, 1861-2); O. Browning (ed.), *The Political memoranda of Francis, Fifth Duke of Leeds* (London, 1884); Earl of Malmesbury, *Diaries and Correspondence of James Harris, First Earl of Malmesbury* (London, 1845).

³⁹ I will argue that the Hulks Acts were more than a stop-gap measure. Despite initial shortcomings the Acts were a successful long-term use of convict labour for the benefit of government.

⁴⁰ Geoffrey Blainey, *The Tyranny of Distance* (Melbourne, 1966).

⁴¹ Blainey chose only to give the examples of Canada, the West Indies, Tristan da Cunha and Bermuda. He posited that Botany Bay was a rational decision made after careful examination.

how transportation of convicts 'rested on the idea that they should be useful servants of, rather than an encumbrance on, the State'.⁴² Commenting on the Beauchamp recommendations he went on to say, 'The whole ingenious scheme was married to thrift, convenience and the national interest.'⁴³ Convict labour was to be used and no one would complain if the convicts were to be used in a guarded penal settlement rather than being sold. But could settling convicts in faraway uninhabited islands offer any commercial advantages to Britain? Blainey believed that it could and explained the growing importance of China tea in Britain's overseas trade, and the need for a safe sea-route with a convenient halfway house. Botany Bay fulfilled such a role. He also presented the advantages over Britain's European rivals of a base on the Pacific rim, especially as a way of overcoming the Dutch trade monopoly in the East Indies. Botany Bay offered an opportunity for refreshment, repairs and shelter in time of war. It would also help to preserve Britain's commercial supremacy over her rivals, especially the emerging United States.

Blainey also assessed the 'Heads of a Plan' that accompanied Sydney's letter to the Treasury. He noted that it commenced 'Heads of a plan for effectually disposing of convicts, and rendering their transportation reciprocally beneficial both to themselves and to the State...'⁴⁴ and that the benefits that had either been overlooked, or ignored by previous historians. These, he argued, related to flax and timber: essential supplies necessary for maintaining any fleet, anywhere in the world. To use the untapped resources in this far off place would give Britain supremacy in the region, and might even be a market for foreign trade. He made particular reference to the plan to develop Norfolk Island as well, a strategic outpost in the Pacific that had the advantage over New Zealand in that it was uninhabited. Blainey concluded: 'Norfolk Island was the plant nursery; Australia was to be the market garden and flax farm surrounded by gaol walls.'⁴⁵

⁴² Blainey, 'The tyranny of distance' in Ged Martin, ed., *The Founding of Australia* (Sydney, 1978), pp. 79-90.

⁴³ Ibid.

⁴⁴ T1 / 639, enclosure 1.

⁴⁵ Blainey in Martin, op. cit., p.90.

Blainey's work showed a grasp of some of the finer detail of the debate and in his footnotes he acknowledges the merit of Dallas's 1952 article, strengthening a number of points Dallas made. His emphasis was on the enclosures rather than the Sydney letter, but like Clark he was selective with his material. It might be asked whether Britain was concerned about naval stores in the Pacific region in the late eighteenth century? Could flax and timber have been the over-riding reason for the new settlement? If so, why choose Botany Bay and not Norfolk Island or New Zealand? Blainey did not refer to any of the material in the Admiralty records on naval supplies, especially the state of the stores at the time of the decision. Instead he relied on the potential loss of supplies from the United States to support his hypothesis. He argued that supplies of stores were needed in the region because 'scores of English merchant ships traded in the Indian Ocean and Pacific, and an occasional naval fleet was engaged in those seas'.⁴⁶ But did they? Where was his evidence for such a statement? Only British ships chartered to the East India Company could operate in the region although in time the Americans would develop a merchant trade that sailed through the Pacific. But in 1786 the merchant trade alluded to by Blainey did not exist.

It is interesting to note that the three historians who had departed from the traditional view, Dallas, Reese and Blainey, asked economic questions and two were economic historians. They each sought more than a simple response to England's convict question. Realising that money often drives motive, something especially true of Pitt's ministry, they looked for other reasons behind the new settlement. They believed that Britain was not founding a new country but realising her imperial ambitions, and that the best way for her to do so was to gain a stranglehold on eastern commerce. In order to achieve that stranglehold, Britain needed to outmanoeuvre her European rivals, gain supremacy of the seas in the east, and put down roots at strategic locations. Botany Bay, in their opinion, met all those needs. As the new settlement was on land that appeared to have little local labour, it

⁴⁶ Ibid., p.89.

was natural to use some other labour force; and convicts were available to do that.

Blainey believed that the debate revolved around two main questions. Was the British government looking for an overseas area to which to transport its convicts? And, why did it choose New South Wales? But these are not necessarily the right questions. It is arguable whether Blainey would have done better to ask: What was the threat to British trade? What would it cost to overcome that threat? How best could that be achieved? Such questions would have led him to examine the serious and difficult political situation that Britain found herself in after losing the American War, the state of finances in England and steps that were taken to overcome an horrendous national debt, the areas of trade that had been developed thus far and whether there was a realistic future in continuing that trade, whether better trading opportunities were available globally and at cheaper cost, and what was required of government to ensure that such trade was properly safeguarded. These questions have yet to be answered.

Nevertheless, Blainey's two questions stimulated other historians to reply, most notably Geoffrey Bolton and A.G.L. Shaw.⁴⁷ The three historians engaged in an enticing debate throughout the late 1960s that ebbed and flowed between convicts, commerce and strategy. The Bolton - Blainey argument centred around the relative merits of the Baltic naval stores trade and New Zealand flax and Norfolk Island pine respectively. Bolton found Blainey's strategic motive unproven yet did not discount the commercial factor entirely. To support his argument, Bolton concentrated on Britain's naval supplies from the Baltic and quoted statistics from 1806 to 1814, which is really outside the period in question and, though suggestive, are unsustainable for the purpose of ascertaining the reasons behind the settlement. Bolton also discussed the potential for settling the American Loyalists in the region, arguing that they were to be gentleman farmers. But it

⁴⁷ Geoffrey Bolton, 'The hollow conqueror: flax and the foundation of Australia' and 'Broken Reeds and Smoking Flax' both in *AEHR*, vol.8 (1968), pp.3-16 and vol.9 (1969), pp.64-70; A.G.L. Shaw, 'The hollow conqueror and the tyranny of distance' *HS*, vol. 13 (1967-9), pp. 195-203.

was more complicated than that. There were three types of Loyalist: the displaced American farmers who migrated in their thousands to Canada, the small number of farmers who sought reparation from the British government in England, and the growing number of free blacks who increased the number of Black Poor in London. These aspects were not discussed by Bolton.

A difference of opinion then developed between Bolton and Blainey on the interpretation of the 'Heads' document. Each selected only the paragraphs that they deemed important to support their arguments. The 'Heads' document was the first enclosure with the Treasury letter. It is important to take the letter as a complete document; to do otherwise, as they did, is bad history. Furthermore, their discussion ranged over who had responsibility for the document and whether Sydney drew it up. Surely, that is immaterial. Sydney signed the original letter, and inside were six enclosures, only one relating to the 'Heads of a Plan'. As any civil servant or politician knows, Sydney would have had sight of all the enclosures and accepted responsibility for them all when he signed the letter.

Shaw brought to the debate the benefit of having studied more documents in relation to it than either of the other two. His *Convicts and the Colonies*,⁴⁸ published in 1966 as well, was based on these sources. This enabled any student of the matter to go over the citations and draw conclusions. Shaw disagreed with Blainey about the possible trade aspect for the new colony. A review of the papers in the Board of Trade led him to the conclusion that while Pitt's administration was discussing many aspects of trade, it never did so with Australia in mind. In fact, as we shall see, this is entirely the wrong emphasis. The Board of Trade conducted a thorough examination from 1784 to 1786 of every aspect of British trade. In those examinations they were particularly keen to gather information on French, Dutch, Spanish, Portuguese and American trade, anywhere in the world. Once they had that information they could make recommendations to

⁴⁸ A.G.L. Shaw, *Convicts & the Colonies* (London, 1966).

government, which they did. But as Roe pointed out ten years earlier, the fact that a country or location is not mentioned in official papers does not necessarily mean that it was neglected in the various debates. It means that the researcher has to look harder and draw inferences. Moreover, applying the term 'official' to eighteenth century papers is misleading, as much government business was completed without formal minutes or other correspondence, and papers were often filed with the records of companies that generated the subject in the first instance. For example, this was especially true of the East India Company business, which was both public and private.

Shaw was also concerned that Blainey was cherry-picking the 'Heads' document to support a theory that had little documentary evidence to support it. He felt that Blainey's emphasis on flax and timber resources as the reason for settling New South Wales was flawed, as the naval stores in England were at a reasonable level. Although maintaining those stores was important, if Britain wanted such stores she did not have to go to the Pacific to collect them; there were closer supplies available, he argued. Shaw also criticised Blainey for not using the actual records and used them himself to put down Blainey's interpretation. But, like Clark before him, Shaw's reliance on documents was confined to those that mentioned Botany Bay or New South Wales only. If there was no mention of either in a government document, he discounted it.

Despite the disagreements between the three historians, there was consensus that Britain needed to revive transportation because of the crowded state of the English prisons. Their debate really came down to whether Botany Bay was founded for this reason alone. Between them, Blainey, Bolton and Shaw had proposed different reasons for the settlement at Botany Bay. It is interesting to note how they used their various sources, drawing slightly different interpretations from the available material. Shaw came down firmly on penal policy; Bolton tended to agree, notwithstanding possible commercial motives; Blainey was resolute in his defence of the strategic and naval stores reasons. But one cannot help wondering whether

they were each arguing from too Australian a viewpoint. For example, in discussing Britain's trade, whether it was with the Baltic states, East Indies, or Pacific region, none of them analysed what Britain was trying to do in the long term. Were there any other factors in Britain that were influencing her trade policy - merchants in the House of Commons for example? In 1971, for instance, Howard Fry working on the East India Company connection, sought to connect Botany Bay with access to the China market. His account of trade in the Malay Archipelago brought into play Pitt's foreign policies and the necessity of starting a colony in the region to thwart French plans.⁴⁹ It is a pity that he did not go further.

During the 1970s Alan Atkinson, Alan Frost, Ged Martin, and David Mackay, four of a younger generation of historians, entered the debate and sought to bring even more evidence to bear. Frost initially took up the cudgel for Blainey and sought to show that Britain had an essential need of naval stores in the Far East at that time and Botany Bay and Norfolk Island could provide them.⁵⁰ Drawing on the contemporary accounts of the colony written by Tench, Collins, Hunter and others in the period 1788-90, he postulated that the collection, examination and working of timber and flax were essential elements of the directions given to the First Fleet. His argument relied on 'semi-official' sources, that is despatches and letters of the officers of the First Fleet, as well as accounts and letters in the private papers of individuals with an interest in New South Wales and Norfolk Island at that time. He then went further and introduced material from the archives of the East India Company.⁵¹ This latter aspect was essential, he argued, for an understanding of the thoroughness of the government approach, and to overcome the bias inherent in previous accounts, like Clark's 'slapdash' statement previously cited. Once readers had an understanding of this wider perspective, Frost believed, then they would understand that the British Government had a more important agenda than simply ridding herself of

⁴⁹ H.T. Fry, "Cathay and the way thither" the background to Botany Bay', *HS*, vol.14 (1969-71), pp.497-510.

⁵⁰ Alan Frost, 'The Choice of Botany Bay: the scheme to supply the East Indies with naval stores', *AEHR*, vol.15 (1975), pp.1-20.

⁵¹ Alan Frost, 'The East India Company and the choice of Botany Bay', *HS*, vol.16 (1975), pp. 606-16.

convicts. Convicts would provide the labour in the service of trade and empire, he wrote, to enable Britain to gain a strategic advantage over her European neighbours in the Far East.

Frost's analysis of the wider picture, and understanding of the many difficulties being encountered by Pitt after he came to power put a new focus on the reasons for the settlement. Like Oldham before him, Frost showed that other sites were carefully considered for transportation, but he showed further that simply 'dumping convicts' was never the plan of Government. Reviving the economy was Pitt's focus, and it happened to coincide with France's desire to do the same. Both nations had their eyes on the eastern trade, he argued, and their rivalry meant the necessity of keeping their fleets properly supplied with spare parts. Early reports of Botany Bay had indicated that such supplies could be found in New South Wales and Norfolk Island, a speedier base for supplying the eastern fleet. Botany Bay would also make a good base for any naval squadron.

Frost was really echoing part of the Dallas view, and in so doing he buttressed his argument with information from private letters and journals and the records of the East India Company. This was entirely at odds with both Shaw and Atkinson who believed that only government sources should be used. But was there anything wrong in the Frost approach? Such sources frequently reveal the deeper motives behind certain decisions, or the conflicts that prevailed amongst the decision makers. This was certainly true of the East India Company, which was struggling to maintain its influence within government, but who were still a powerful voice in the City of London. After 1784, it must be remembered, the company was subject to very close government regulation to the extent that it was virtually an arm of government. And it was also true of the private diaries and correspondence of the Ministers of the time, which reveal that Government policy and strategy was regularly discussed and mulled over.

Atkinson approached the matter from a different direction. Like Shaw, Atkinson felt that historiography should be based on the 'official' documents

alone.⁵² He argued that the submissions of the 1780s were tempered to suit the political interests of the time. He did not doubt that British expansion into the Pacific region was a long and steady process but a trawl of the 'official' documents and papers of the period showed a lack of discussion of either Botany Bay or New South Wales as a potential trading base. Commercial considerations only came into play after the decision had been made. And yet he contradicted his own argument in some respects by making a detailed analysis of the various papers submitted by Sir George Young to the government. These were all produced before the decision of August 1786, and in various ways sought to influence government thinking towards the benefits of a colony in New South Wales, either in terms of what was written, or to whom it was submitted. The important point about this aspect of Atkinson's analysis is that he made a direct connection between Botany Bay and Pitt. To support his view that the papers submitted to government followed the political persuasions of the time Atkinson also examined the London newspapers of the day. This was an interesting development but outside his own strict admonishment only to use official sources; the newspaper reports were all *ex post facto*. No matter which newspaper he referred to his analysis only began after the August 1786 decision. As a result he came to the erroneous conclusion that the Botany Bay settlement was not part of an overall government plan but an 'exercise in narrow conservatism'.

Another contributor, David Mackay, could not accept Frost's revision of the traditional view either. Like Atkinson, he felt that any explanation of commercial or strategic motives was embracing a Whig view of history.⁵³ He pointed out that Howe, First Lord of the Admiralty and a member of Pitt's Cabinet, stated that Botany Bay presented too great a distance to be a viable option for both Matra's and Young's plans. In fact, Cabinet had already made the preliminary arrangements to send convicts to Africa and only on hearing of the unsuitability of Das Voltas Bay chose Botany Bay within three days.

⁵² By 'official' documents he meant only those government documents filed in the national archives at the PRO.

⁵³ David Mackay, 'Direction and Purpose in British Imperial Policy, 1783-1801', *HJ*, vol. XVII, (1974), pp. 487-501.

This 'hasty decision', he argued, owed nothing to a unified or coherent colonial policy. New South Wales was chosen because it answered the penal problem at home, and as such was a matter kept well within the ambit of the Home Department. The preparation of the First Fleet and the early years of the settlement made clear the very limited aims of government.⁵⁴ After the arrival of the Fleet, he went on, no mention was made in official papers of flax or timber. Decrying those who sought to show the strategic relevance of the sea route to China via Botany Bay, he believed that it was just too far from the normal sea-lanes to be relevant. Furthermore, he argued, the French threat in the East was countered by traditional means, by diplomatic argument and bullying in Europe, not strategically in terms of Botany Bay. He concluded, like Atkinson, Shaw, Clark and others holding the traditional view, that Government sought a solution to the convict crisis by guidance from past precedents or close parallels with it. He believed (incorrectly as we shall see) that Government was simply incapable of such forward thinking as Dallas, Fry, Blainey and Frost described.⁵⁵

Ged Martin also examined the hypotheses put forward by Blainey and posed another question. If not Botany Bay, then where? In a number of works⁵⁶ he showed why the government could not send convicts to any of their other colonies. Drawing first on Dallas's view that trade to China may have been a consideration, he also made the valid point that Norfolk Island was not part of the original scheme, but introduced at a later stage when Phillip was given his instructions. He differed from Blainey in being unwilling to accept the naval stores/flax theory, but instead came down firmly on the side of Dallas and Fry. He showed how the government had studied previous plans, particularly the haphazard Honduras scheme of 1784, and learnt from

⁵⁴ David Mackay, *A Place of Exile* (Oxford, 1985), p.7.

⁵⁵ Mackay's view was supported by Mollie Gillen. In her article 'The Botany Bay decision, 1786: convicts not empire', *EHR*, vol. 97 (1982), pp. 740-66, she argued that the British government did not have the foresight, claimed by Blainey and Frost, of a far-reaching global strategy directed towards Britain's needs for naval supplies, with the subsidiary advantage of a port of call for the China trade. Ridding Britain of convicts was the only motive, she argued.

⁵⁶ Ged Martin, 'The founding of Botany Bay, 1778-90' in Ronald Hyam and Ged Martin, *Reappraisals in British imperial history* (London, 1975), pp.44-74; 'The alternatives to Botany Bay' and 'A London newspaper on the founding of Botany Bay, August 1786-May 1787' both in *The Founding of Australia* (London, 1978), pp.152-168 and pp. 169-84.

them. In so doing, they were able to link the requests from the East India Company for a way station for the trade to India with the new convict settlements that the Government started elsewhere on the globe. Martin also speculated about the possible economic motives for the settlement and concluded that Botany Bay was founded to safeguard Britain's tea trade but he produced little evidence to back this tantalising suggestion.

A few historians have examined the aspirations of other countries in Europe, but from the viewpoint of what each of those nations was trying to achieve. Roger London produced an article in 1972 that gave a brief overview of the French expeditions to the Pacific region.⁵⁷ Citing the works of de Brosse, he set out what was achieved by Bougainville, Surville, du Fresne, and Kerguelen-Tremarec at the time the French king abolished the monopoly of the French East India Company.⁵⁸ Each sought the opportunity for trade for their mother country. London added nothing new for the debate but intimated that the French were always looking for new places with which to trade; and some parts of Australia and New Zealand might have fulfilled those ambitions. Over a period of forty years the French were to send La Pérouse, D'Entrecasteaux and Baudin to survey the region for possible places for settlement.

L.G. Churchward wrote about Australia and America after the American War of Independence. He showed how America quickly prepared for the China trade at the end of that war, and had already begun whaling in the southern oceans. American whalers posed a serious threat to English interests in the region. He stated, 'It is clear that the British government had made a careful consideration of an alternative route to China around

⁵⁷ Roger London, 'France and the Discovery of Australia', *THRA*, vol.19 (1972), pp. 121-5.

⁵⁸ Bougainville commanded a naval mission in 1768 to make further discoveries for France in the southern seas. During the voyage he visited Tahiti, renaming it New Cythera, discovered Samoa the following month, and sailed to the New Hebrides. His journey aroused the suspicion of the English who despatched Cook on his momentous first voyage shortly after Bougainville's return. Surville's mission also was to discover *Terra Australis Incognita*, but Cook beat him to it. Sickness brought him to Cape North in New Zealand. Du Fresne was a retired French East India Company employee living in Mauritius who was the first European to stay in Tasmania since Tasman in 1642. He then made his way to New Zealand where he was killed by the natives. Kerguelen was tasked with exploring the Indian Ocean and took possession of the coast near Shark's Bay in the name of the King of France.

Australia and had reached a decision to secure this route by the autumn of 1784. Viewed in this light the decision of August 1786 must be regarded as being part of a grander design than that of reducing pressure on English gaoles.' Using some evidence from American archives, he provided information on the amounts that could be earned in the China tea trade but his 'grander design' was not elaborated, although by inference it was to circumvent the American China merchants.⁵⁹ Glynn Barratt examined Russian interest in the Pacific, but made the point that New South Wales held little more than academic interest for Russian sailors. The fur trade in the northern Pacific was their major concern.⁶⁰

Margaret Steven published a monograph in 1983 that among other things analysed the Spanish perception of their interests in the Pacific region.⁶¹ She argued that in 1783 Britain needed to look far beyond her domestic markets and in doing so turned towards the Far East. As a result, various interest groups lobbied Parliament to find ways around the East India Company monopoly, especially after Pitt declared 'British policy is British trade'.⁶² Her work showed that Britain steadily and persistently developed trade in the region, outside Company control, and, in so doing gained a better understanding of the rivalry and expansion of the European and American trade in the area. She explained how Britain nearly went to war with Spain over Nootka Sound in 1790, and entered into an intense commercial rivalry with France and the newly formed United States of America. Importantly, what she also showed was the relevance of the Board of Trade to any commercial discussions about the Pacific. However, on Botany Bay she argued that there was a lack of documentary evidence to support the view that commerce had a large part to play in the decisions. More especially she discussed the merchants behind the various Pacific enterprises. She then showed that the Board of Trade minutes reflected Pitt's close involvement in

⁵⁹ L.G. Churchward, *Australia & America 1788-1972: An Alternative History* (Sydney, 1979), p. 7.

⁶⁰ Glynn R.V. Barratt, 'The Russian Navy and New Holland', *JRAHS*, vol. 64 (1979), pp. 217-34.

⁶¹ Margaret Steven, *Trade, Tactics and Territory; Britain in the Pacific 1783-1823* (Melbourne, 1983).

⁶² *Ibid.*, p. ix.

trade matters. We must be grateful to Steven for her attempts to analyse the global reach of Britain's empire and the concerns that it caused for other European nations. Unfortunately she did not go far enough or she would have found there was indeed a Botany Bay dimension to Pitt's Pacific deliberations.

From the mid 1980s it was clear that Frost was at odds with most of his contemporaries. In two articles written in 1985 and 1992⁶³ he argued that both Gillen and Mackay had failed to examine or use original historical documents correctly. Gillen, he argued, had actually used more evidence to support her ideas than others, but had taken an outmoded stance unsupported by all the new evidence.⁶⁴ Frost sought to show that a detailed analysis of government documents would show that the Pitt government had a very detailed interest in the Pacific rim region, particularly with relation to flax and timber for naval stores, and whilst he doubted purely commercial motives, he nevertheless firmly believed that strategic considerations for Botany Bay were in the mind of government.⁶⁵ He was at pains to point out that analysis of the documents required analysis of *all* the documents. By doing so, he maintained, the convict argument alone could not be sustained, but supported his contention that naval stores were uppermost in official thinking.⁶⁶ This thesis will show that whilst Frost was right in his instinct that Government was thinking about the wider strategic implications, but naval stores were not of first importance for the Pitt Government. They prove another Botany Bay mirage.

⁶³ Alan Frost, 'Botany Bay: an imperial venture of the 1780s', *EHR*, vol.100 (1985), pp.310-30; 'Historians, handling documents, transgressions and transportable offences', *AHS*, vol.25, no.99 (1992), pp. 192-219.

⁶⁴ New evidence meaning the additional material that was being presented over the previous decade.

⁶⁵ For a more detailed understanding of Frost's naval stores argument see Alan Frost, *Convicts and Empire: A Naval Question 1776-1811* (Melbourne, 1980). Frost's latest work, *The Global Reach of Empire* (Melbourne, 2003), considers the wider strategic thinking of the British Government from the time of the Treaty of Paris in 1763 to the end of the Napoleonic wars, but unfortunately does not go into any further detail on the reasons behind the Botany Bay decision.

⁶⁶ Gillen demurred this view. See her response in the *EHR* immediately following Frost's 'Botany Bay' article.

Frost was even more critical of Mackay, and another article by Atkinson.⁶⁷ In his 'Historians, Handling documents...' article Frost showed why he believed that certain documents pre-dated others, or were produced by persons who had the ear of certain members of government, or directly influenced government reports at the time. We must be grateful to Frost for this additional analysis as it is helpful in pin-pointing certain timelines in the debate, as well as direct contrasts in important sections of government and private documents. Mackay and Atkinson still continued to disagree with Frost, though not necessarily about the documents, more about the outcomes of reading those same documents. As Mackay himself acknowledged, the protagonists now had well-established views and seemed unwilling to abandon them.⁶⁸ Clearly the debate needed to be taken up by another generation of scholars.

Despite all the debate over the last fifty years, there are still a number of unanswered questions that go to the heart of the British Government decision in 1786 to establish a colony in New South Wales. First, was there a convict crisis in 1786? If so, what exactly was the nature of the problem? Was it numbers, lack of prisons, disease or threat of unrest? Previous government committees had recommended a prison-building programme. Why was that not accomplished? The hulks had relieved the pressure on the gaols and the inmates were now working for the government. Did this pose a threat in any way? How did the convict problem affect the national economy? Whilst O'Brien and Oldham examined the growth of penology in the eighteenth century, and Bolton, Shaw and Clark touched upon certain elements of it, no historian has undertaken to examine the basic premise that Britain did have a convict crisis at the time. This needs to be addressed.

⁶⁷ Alan Atkinson, 'The First Plans for Governing New South Wales, 1786-87', *AHS*, vol. 24 (1990), pp. 22-40. In this article Atkinson showed the development of government in the colonies and the planned relationship between government and people.

⁶⁸ David Mackay, 'Banished to Botany Bay: the Fate of the Relentless Historian', *AHS*, vol.25, no.99 (1992), p.216. Professor Atkinson's *Europeans in Australia*, vol. 1 (Melbourne, 1997), does not address the debate further, and Dr. Graham Abbott's *Australia's Convict Beginnings* (unpublished 2003), uses only secondary sources and argues a traditional convict view.

Secondly, what was the fiscal situation in Pitt's government? Was the money available for any new penal programme? If not, how could government deal with the issues as they were being raised? What other matters impacted on government expenditure? By the early 1780s it was alleged that the East India Company had become a government problem through inefficiency and corruption by its officials overseas, whilst also waging war on the local population without recourse to the home government. In addition, Britain's Indian trade had become the envy of her European rivals, who, having ceded certain rights and territories in the 1763 peace negotiations, now desperately wished to regain them. To what extent did the national economy depend on safeguarding overseas trade? Was there a problem with that trade? Where was the problem coming from? What was the East India Company's involvement? Did New South Wales figure in the government solution to any wider problem than convicts? Are these matters interlinked?

Thirdly, throughout most of the 1780s Britain was negotiating trade treaties with other European nations, especially France, Spain and Holland. It was these same nations that had designs on Britain's eastern trade, and each of them was trying to make alliances with each other, in the hope of outwitting the British government. Clearly, these matters heavily involved various members of the Cabinet, as well as taking up much of the time of the under secretaries at the various government departments. Pitt knew this and saw a direct correlation between the state of the nation's finances, problems within the country at home, and ways to deal with his European rivals. Pitt could also see that the newly independent United States of America would pose a trade problem in the future, and tried through a system of reciprocity to forestall those problems for the immediate future.

Did any of these factors contribute to the Botany Bay decision? These questions are addressed in the following chapters. It is argued that the Botany Bay decision was quintessentially a British decision, made for British reasons and co-ordinated by Pitt himself, and that convicts, commerce and strategy each had an important and interlinking role to play in its making. By

adopting a multi-archival approach this thesis shall show that the Botany Bay decision was not at all a 'dumping convicts' solution, but part of the development of the new penology that satisfied some of Pitt's critics at home, presented a fiscal solution that took the pressure away from local government to build expensive gaols, and much more importantly for Pitt and the Government held out the possibility for significant trade potential and consequent monetary return in the long-term.

The thesis shall also demonstrate that Pitt sought to link the problems that his government faced and that selecting Botany Bay was the means to a number of ends. It would help with Pitt's financial problems; it would pose a threat to the French and Dutch in the Far East arena that, after the American War of Independence, they would be unable to overcome; and, it would help Pitt deal with those philosophical members who wished to see radical changes in penology. I shall also show how various merchants, within and outside the Houses of Parliament, sought to influence the decision for their own ends.

Chapter 2 Prison problems, 1775-6

On 11 January 1776 the *Gazetteer* announced, 'It is reported that there will be no more convicts sent to America whilst the country remains unsettled'.¹ The author of the article gave no mention of the resistance to the importation of convicts that had been raised in the American colonies during the preceding fifty years, nor of the legislation that had been passed in England to override the local laws that had attempted to end the practice of transportation to some of those American colonies. Instead, the newspaper article implied that transportation to America would resume just as soon as peace was restored in the region. That was not to be. The simple government decision of suspending the practice of transportation would eventually lead to a new and different penology that was to last for over eighty years. Before this could be instituted a number of intellectual commentators tried to force Government to alter either the penal code or the system of punishment. They met with little success, as we shall see. Instead, Government sought a cheap, temporary solution, and hoped that the problem would go away.

The date of the last departure of convicts transported to America is uncertain. Duncan Campbell, who was given the Government contract in 1772, was transporting them as late as 1775,² and port-entry records show that convicts were landed in Maryland until the same year.³ The *Jenny* was shown as arriving in the James River from Newcastle with a cargo of servants, including convicts, in April 1776,⁴ but transportation to America had become increasingly difficult. By the middle of 1775, the British Government was convinced that the American revolutionaries were determined to thwart any importation of goods and convicts from Britain. On 15 July the *Morning Post* reported that the brigantine *Hannah*, loaded with salt, had been ordered back from South Carolina. The following day *The Daily Advertiser* reported

¹ Oldham, p.32.

² Duncan Campbell was in partnership with John Stewart and the two had had a government contract to transport felons to America since 1758. On Stewart's death in 1772 Campbell took over sole ownership of the business.

³ A. Roger Ekirch, *Bound for America* (Oxford, 1987), p.72.

⁴ Oldham, p.32.

that a ship loaded with felons had been refused admittance to the American colonies.⁵ By the end of 1775 the newspapers were reporting that the Government had been deprived of one of its most effective weapons for the suppression of crime.

Quite quickly the numbers in Newgate Prison in London caused the Lord Mayor to fear a rise in epidemics, particularly as the time was fast approaching when prisoners from other gaols would also be brought to Newgate for trial at the Old Bailey. Therefore, he wrote to the Secretary of State for the Northern Department,⁶ the Earl of Suffolk, who was already troubled by the prison problem, or more specifically what to do with prisoners convicted of felonies.⁷ Suffolk's solution was a ruse that removed convicts from Newgate and placed them on a vessel moored in the Thames as if awaiting transportation. His decision was conveyed to the Recorder of London by William Eden, the Undersecretary of State on 29 November 1775.⁸ The Recorder was also directed to take the usual bonds from the contractor, Duncan Campbell,⁹ who shortly afterwards received a number of convicts on board the *Tayloe* which was moored in the river at Limehouse.¹⁰ The relief afforded Newgate was only short lived as the flow of convicts into the prison continued. On 4 December 1775 the *Gazetteer* announced that upwards of 140 prisoners would take their trials at the Old Bailey at the coming sessions and these would be housed in Newgate.¹¹

Suffolk's experiment was not a resounding success for other prisons were also experiencing difficulty. On 20 December the *Morning Chronicle*

⁵ Oldham, p. 33.

⁶ This Minister was responsible for the prisons. The post became that of Secretary of State for Home and Colonial Affairs in March 1782.

⁷ Between 1770 and 1774 only 2.3 per cent of those convicted at the Old Bailey received a prison sentence, usually for one year or less and never more than three years. See John Rule, *Albion's People* (London, 1992), p.240.

⁸ SP 44/91, f.437, Eden to Recorder of London, 29 Nov. 1775.

⁹ Although Campbell held the government contract for transporting felons to America, other merchants were involved in transportation as well.

¹⁰ T1/521, Eden to Campbell, 12 Jan. 1776, and Campbell to Robinson, 11 and 19 Dec. 1776.

¹¹ *Gazetteer*, 4 Dec. 1775.

stated that every prison teemed with offenders.¹² In fact debtors, who had surrendered themselves to the authorities in the hope of gaining relief under a recently passed law, had made the situation worse.¹³ The *Morning Chronicle* was really only commenting on the prisons in London, Middlesex and that part of Surrey which formed part of South London. On 12 January the *Gazetteer* reported that twelve men had escaped from Reading Gaol, and the writer of the article also alleged that upwards of 30 thieves were at the time 'loose upon the public'. On 7 March 1776 the *Gazetteer* reported that twelve men had escaped from the boats on the Thames, two of whom had 'got clear away'.

To ease the pressure on the gaols the government resorted to the old time practice of pardoning offenders provided that they agreed to military service,¹⁴ but this practice did not extend to debtors. On 12 January 1776 Eden advised Campbell that a selection for military service would be made of those on board the *Taylor*¹⁵ and on 21 January Campbell was ordered to deliver seventeen prisoners to the person bearing the order for service as soldiers.¹⁶ The order was similar to previous orders, namely,

His Majesty has approved of the proposal contained in the letter from the Recorder of London, which is enclosed with a list of convicts in Newgate. Directs him, therefore to order a proper person to examine which of the convicts may be fit for H.M.'s service, that warrants for pardon may be prepared accordingly.¹⁷

¹² *Morning Chronicle*, 20 Dec. 1775.

¹³ 14 Geo. III, c.77 gave *bona fide* debtors the right to petition on certain conditions.

¹⁴ There is no way of knowing how many criminals joined the army or navy at this time, either because they wanted to, or to escape detection for their crimes. What there was, however, was a deliberate policy of recruiting from the gaols convicted felons. Stephen R. Conway, 'The recruitment of criminals into the British Army, 1775-81', *The Bulletin of the Institute of Historical Research*, 58 (1985), pp. 45-58.

¹⁵ A regular statutory system for the enlistment of criminals sentenced to death, transportation or imprisonment was initiated in the Mutiny Acts of 1701 and 1703, (1 Ann, s.2, c.16 and 2 & 3 Ann, c.20) and confirmed by a further statute in 1768 (8 Geo. 3, c.15).

¹⁶ SP 44/93, ff. 15-16, Eden to Campbell, 12 Jan. 1776, and Suffolk to Campbell, 21 Jan. 1776.

¹⁷ *Calendar of Home Office Papers of the Reign of George III, 1766-1769*, vol. 2, No. 1190, p.468.

In Ireland in 1776, Lord Harcourt, Lord Lieutenant of Ireland, wrote to the Secretary of State complaining that the Irish gaols also were so full of convicts under sentence of transportation that he proposed to pardon such of them as were fit and serviceable men.¹⁸ Lord Weymouth, the Secretary of State¹⁹ replied that such a measure 'has been of late in many instances pursued here, and His Majesty approved of your granting pardons to prisoners in the several gaols of Ireland under those circumstances.'²⁰

Quickly, it occurred to Government that the interchangeability between the death penalty, transportation or forcible enlistment in the army or navy might prove a means of crime prevention, and ease the prison problem. Like transportation, enlistment provided for the long-term removal of offenders from society, gave society a feeling of protection and a sense of security, and in due course satisfied a national need. But that course of action provoked a certain amount of protest from the services themselves. Both the Lords of the Admiralty and senior military personnel believed that recruiting convicts for a limited period undermined the morale of the volunteers who gave their service for life, and they also protested about the numbers of convicts enlisted under such circumstances who had gaol fever. Some years later it was also stated that the system gave magistrates the opportunity of sending all the rogues and vagabonds in the county that they were anxious to be rid of into the navy without any regular enquiry into their offences and characters.²¹ Temple Luttrell, MP, speaking in 1777 stated, 'When an alarm of war was sounded throughout Great Britain and Ireland in 1770, press warrants were issued and...you then swept the refuse of the gaols, and the outcasts of almost every town and hamlet, yet you scarce increased your marines (officers and servants exclusive) to the additional amount of 8000.'²²

¹⁸ When John Howard visited the Irish prisons in 1787-8 he discovered that more than twice as many felons as debtors were incarcerated, 1004 to 550. See Howard, *The State of the Prisons*, (Everyman ed. 1929), Table II, pp. 282-3.

¹⁹ Weymouth was Secretary of State for the Southern Department (foreign affairs) from 10 November 1775 to 24 November 1779.

²⁰ Leon Radzinowicz, *A History of the Criminal Law and its Administration from 1750*, 5 vols (London, 1948-86) IV, pp. 95-6.

²¹ *Ibid.*, p.99.

²² *PH*, vol. 19, col. 86 during a debate on a better way of manning the navy.

But with the suspension of transportation, even with the country committed to a war with America, recruiting convicts into the army and navy could not resolve the numbers that it was now alleged began to fill the gaols around the country. More importantly the practice did not apply to debtors, the real cause of the crowding of the gaols.²³ (See Table 1 below.)

	Debtors	Felons	Petty Offenders	Hulks	Total
1773-6	2200	950	728	0	3878
1779	2078	798	917	526	4319
1782	2197	991	1017	204	4409
1787-8	2011	2052	1412	1937	7412

Table 1: Numbers held in gaols in England and Wales, 1773-88.

Source: Howard, *The State of the Prisons* (1st & 2nd Eds.)

From the time of Henry II there was a gaol in each county of England and Wales under the charge of the sheriff. But gaols were not what we have come to know today and the term described a number of different premises. These included places of temporary detention such as the lock-up, pound or crib, that were found in the smallest of towns for the overnight detention of drunks, prostitutes and other minor offenders. Some of the county gaols were the dungeons of medieval castles, such as Lancaster, York and Gloucester, while others, particularly in small market towns, were little more than a strong room above a shop or inn. Newgate in London was the largest gaol with room for about 200 convicts; most of the others were considerably smaller. By the 1780s there were over three hundred town, borough or county gaols in England and Wales, of varying size and design.²⁴ Gaols were places where individuals could be kept in safe custody pending their trial, their execution, their transportation, or the payment of their debts. Detention in them was not an end in itself merely a temporary expedient. Gaols were not meant to reform. They were first and foremost holding institutions.²⁵

²³ The proportion of prisoners who were debtors was roughly sixty per cent. (Howard, *Prisons* (Everyman ed., 1929), pp. 276-85 and various Appendices.

²⁴ Howard, *Prisons*, (Everyman ed.), appendices I and III, pp. 276-85 and especially ch. 7.

²⁵ Michael Ignatieff, *A Just Measure of Pain* (London, 1978), p.31.

Bridewells²⁶ were another type of gaol that originated in the City of London, and were established under the Elizabethan Poor Law Acts as houses of correction for dissolute paupers and idle apprentices. They were designed to provide not only relief for the poor but also work for the unemployed, and in the latter case vagabonds, beggars, prostitutes, and others could be compulsorily detained there. Thus, they were penal establishments, both in intention and in fact.²⁷ By the eighteenth century many bridewells were built alongside existing gaols,²⁸ and they were more or less assimilated into them by the end of the century, with the same administration and keeper.²⁹ The county institutions modelled on the bridewell were known as houses of correction.³⁰

By the late eighteenth century supervision of gaols and bridewells had been ceded to the local magistracy. The upkeep of the gaol was the responsibility of the local authority, although a small number of gaols were owned by the Bishops or landed gentry, for example, Ely and Horsham. However, most of the corporate towns in England, for example, Bristol, Lincoln, Leicester, Norwich, were dominated by powerful families, who valued their patronage with little or no thought for local administration and the gaols did not receive the necessary supervision.³¹ All the county and borough gaols were periodically emptied of felons for trial at the nearest Assize or Quarter Sessions by visiting judges, and this procedure was known as 'gaol delivery'. Not all those so delivered were subsequently convicted. Additionally, prior to the cessation of transportation felons were delivered from the gaols to the ports for future transportation. So there was a fairly regular turnover in the gaols prior to 1776, as table 2 shows.

²⁶ Bridewells were so called after the first house of correction established by Edward VI in 1553 in his palace at Bridewell. From 1576 Justices were required to provide Houses of Correction in every county (18 Eliz. I, c.3).

²⁷ Howard, *Prisons*, p.293.

²⁸ There were at least 170 bridewells in existence by the 1770s and probably many more. Randall McGowen, 'The Well-Ordered Prison' in *The Oxford History of the Prison* (Oxford, 1995), pp. 79-108.

²⁹ Lionel W. Fox, *The English Prison and Borstal Systems* (London, 1952), ch. 2.

³⁰ Throughout this thesis I shall refer to both as bridewells unless otherwise stated.

³¹ J.H. Plumb, *England in the Eighteenth Century* (London, 1950), p.37.

Circuits	Gaol delivery and Assizes	Quarter Sessions	Ordered for transportation	Yearly Average
Home circuit	472	192	664	105
Midlands circuit	317	78	395	66
Norfolk circuit	295	51	346	56
Northern circuit	246	268	514	83
Oxford circuit	570	90	660	109
Western circuit	542	231	773	122
Cheshire & Wales	74	30	104	16
London & Middlesex	2064	553	2617	404
Total	4580	1493	6073	960

Table 2: an account of the convicts ordered for transportation from 1 November 1769 to 1 November 1776; extracted from the list transmitted to the Clerk of the House of Commons

Source: John Howard, *The State of the Prisons* (Everyman Edition, 1929) Table IV, pp. 286-7.

There were seventeen different gaols and bridewells in London. The Westminster Gate House was in such a poor state of repair that it was incapable of holding any prisoners in 1775 and was pulled down shortly afterwards.³² The Fleet, New Ludgate, Whitechapel, St Catherines, Kings Bench and Marshalsea were exclusively for debtors and in March 1776 held over one thousand prisoners. The London Bridewell, Clerkenwell Bridewell and Tothill Fields Bridewell held petty offenders only and in March 1776 these amounted to about 200 prisoners overall. The Savoy was a military prison that held 119 prisoners of whom 49 were to be transported in March 1776. The remaining London gaols held a mixture of debtors, felons and petty offenders amounting to about 210 prisoners in March 1776. Howard passed comment that when he visited the Kings Bench Prison in Southwark in May 1776 he discovered 395 prisoners, but incarcerated with them at the time were a minimum of two thirds of the 279 alleged wives and 725 children, a situation that led to severe overcrowding with disease rife.³³

³² Howard, *Prisons* (1st ed.), p.195.

³³ Howard, op. cit., pp. 151-208.

Newgate had a special place as it not only belonged to the City of London but also held prisoners from all over the country sent there on the directions of the Crown, Privy Council, or superior courts. Apart from those committed to Newgate from the City of London, prisoners held there included those in trouble for state reasons, together with notorious criminals and even some debtors. By the end of 1775 Newgate was responsible for one third of all convict transports. (See Table 3.)

Sessions	London	Middlesex	Hick's Hall	Westminster	Tower Sessions	Capital respites	Total
1773	89	201	77	31	0	37	435
1774	99	165	73	29	10	44	420
1775	79	125	62	22	5	31	324

Table 3: Felons delivered from Newgate to be transported 1773-75
Source: John Howard, *The State of the Prisons* (Everyman edition, 1929), Table VI, p.289

The *Taylor* merely represented a different form of gaol, a prison ship, only with this new system the convicts' upkeep rested firmly with the public for it was met from government funds. The inability of government to transport the convicts and thereby set aside the cost of maintaining them soon caused resentment among the local taxpayers throughout England and Wales. This was especially true when the convicts were seen to be doing nothing, as there was a feeling among certain sections of society, notably the taxpayers, that convicts should labour for their upkeep. There was also a real fear that unless the gaols could be emptied regularly gaol fever, or typhus, would subsequently spread to the local community, and this fear was exacerbated as the numbers held in the prisons increased. A further worry was that the bridewells could not take the additional prisoners and in any case had never been designed to hold anyone other than petty offenders.³⁴

³⁴ Oldham, p.35.

The other alternative solution for the increased number of convicted felons was a full implementation of the Bloody Code.³⁵ This was considered entirely undesirable by those in authority who also believed that such oppressive measures would lead to serious rebellion amongst the people. There was also a great reluctance by the authorities to implement the death penalty for every offence to which it applied, for if anything, outside of London and Middlesex the number of executions was actually diminishing.³⁶ Consequently they sought alternative punishment. The favoured option was transportation, an extension of the banishment that was applied to rogues and vagabonds from Elizabethan times. To Georgian society it seemed the ideal solution. For a relatively low cost it removed the offender from the local society and placed the onus for their rehabilitation, such as it was, elsewhere.³⁷ Where did not matter.

But transportation was no longer feasible and impressments could not take all the convicted felons. A thorough review was needed of all aspects of the penal system, especially the administration, the penalties and the punishments. Pressure would eventually be placed on government from two camps – those who wished to see a complete overhaul of the penal code and those who wished to see an entirely new system of punishment. Neither would be entirely successful.

Viewed from the twenty first century the Bloody Code is an horrendous indictment of the law of the eighteenth century, appearing both rigid and inflexible, and prescribing death alike for murder and for the forgery of a petty deed. In practice, the use of the prescribed penalties was very flexible, allowing judges to exercise their own discretion, a Royal pardon to be given when appeals for mercy were made, or examples to be made of convicts for

³⁵ The Bloody Code saw a rise in capital offences from about 50 in 1688 to about 160 in 1765, rising to about 225 by the end of the Napoleonic Wars in 1815. (Radzinowicz, *History*, I, p.4).

³⁶ Out of 3,719 convicted of capital offences in various circuits in England and Wales between 1750 and 1775 only 1,341 or roughly 36 per cent were executed. The remainder invariably had their sentences respited and were transported instead. *Report from the Select Committee on Criminal Laws*, 1819, appendices 2, 5, 7,9,12, 17, 18 and 22 and Howard, *Prisons*, (2nd ed. 1780), Tables VII, VIII and X.

³⁷ The cost to the local society will be dealt with in the next chapter.

the benefit of the remaining population, when considered necessary.³⁸ Douglas Hay has explained that the statutes were not meant to be implemented at all times and in all places but rather that they were meant to keep the lower orders in their place in society, subservient to a landed elite. Occasional ferocious punishments meted out under the law would reinforce the majesty and authority of the trans-class courts. As a result, the rule of law had to be applied to everyone, and it was.³⁹ But it was the anomalies in the law and its application that gave rise to demands for a better-regulated system of laws and punishments.

However, the new capital legislation enacted throughout the eighteenth century defined offences in a very narrow way, often referring to a specific institution or piece of property only. According to John Beattie, about one half of the goods mentioned in grand larceny indictments in Surrey were worth five shillings or more, and over one-fifth of them were each worth over two pounds. Besides money, stolen goods included clothing, food, furniture and jewellery.⁴⁰ But infringement of these new laws did not necessarily lead to execution, and judges were far more likely to sentence an offender to transportation as a punishment. If the property was worth less than a shilling corporal punishment was the most likely punishment unless there was a spate of such crimes in the community.⁴¹ The consequence was that the number of prosecutions that actually resulted in a death penalty being passed was relatively few.⁴²

More thoughtful members of society saw the Bloody Code as wildly irrational. For example, it was a capital offence to pickpocket more than a

³⁸ Ignatieff, op. cit., p.17.

³⁹ Douglas Hay, 'Property, authority and the criminal law,' in D. Hay, P. Linebaugh, J. Rule, E.P. Thompson, and C. Winslow, eds., *Albion's Fatal Tree* (London, 1975), pp. 17-63.

⁴⁰ J.M. Beattie, *Crime and Courts in England 1660-1800* (Princeton, 1986), p.184.

⁴¹ Ibid.

⁴² The two major sources of information compiled at or close to this period were John Howard's *The State of the Prisons*, and the *Report of the Select Committee on Criminal Laws* published in 1819. The latter's records of crime and punishment are contained in 26 appendices. There was no uniform ratio of executions for the whole country. In London and Middlesex (1749-71) out of 1,121 offenders sentenced to death, 678 or 60% were executed. The ratio in the Norfolk circuit (1750-72) was much lower – 117 executed out of 434 sentenced to death, or 27%, and it was still lower in the Midlands circuit (1750-72), where for 518 death sentences there were 116 executions or 22%.

shilling but while pickpocketing carried the death penalty it was not even an offence to steal a child from its lawful parents. To steal from a shop and to be seen to do so merited transportation but to steal any goods 'privately', that is without being seen, was punishable by death. Not only was there an element of 'overkill' but also ancient statutes had not been repealed, and criminals could be prosecuted for the same crime under different legislation with very different penalties. While efforts were made to consolidate some laws, for example the vagrancy and game laws, eighteenth-century legislators never attempted to codify capital legislation, nor did they seek to ratify a general codification by going back to first principles.⁴³

In the country, new capital offences were created that criminalized previously harmless activity, like stealing fruit from trees, fish from ponds, or damaging hops. The Black Act,⁴⁴ for example, was passed in 1723 to keep small farmers and tenants away from lands previously considered available to all within the counties of Hampshire and Berkshire.⁴⁵ The theft of various animals, cattle, horses and sheep could bring a death sentence but it was more likely to earn a reprieve and subsequent transportation. In very general terms the new laws reflected the commercialisation of the eighteenth century agriculture and the desire of landlords to make profits from lands that previously they had considered undesirable, or allowed the poor to use without any form of sanction.

Even juries had doubts about passing guilty verdicts on the new laws that sent people to their death, and there were many cases where they passed a lesser verdict attracting a sentence of transportation instead, or in some cases acquittal.⁴⁶ At the same time, some prosecutors were apparently

⁴³ Emsley, p.251.

⁴⁴ 9 Geo. I, c.22. It has been argued that this one Act, on a strict legal interpretation, added between 200 and 300 capital felonies to the statute books. Sean McConville, *A history of English prison administration – Volume 1 1750-1877* (London, 1981), p.59.

⁴⁵ Ignatieff, p.18.

⁴⁶ Ignatieff, p.19; William Blackstone, *Commentaries on the Laws of England*, 4 vols (London, 1769), IV, pp. 277-8.

abandoning the prosecution of minor capital cases because they believed that the penalty of death was too excessive.⁴⁷

Capital sentences were usually only carried out on those convicted of the more serious kinds of theft, namely burglary and highway robbery and rarely were respites given for violent offences against the person, like murder. (See Table 4 below.) However, the one significant exception during this period was the number of executions carried out for forgery. A sustained lobbying of Parliament was made in the latter half of the century by banks and others with commercial interests, to stop the proliferation of forgeries and protect the new system of paper credit and exchange. Adam Smith and others stressed the dangers to the whole structure of financial institutions of fraud using promissory notes. Such crime should not be allowed to go unpunished especially since the use of paper money was becoming more and more important.⁴⁸

Fate	Murder	House breaking	Highway robbery	Horse stealing	Forgery	Coining	Returning from transportation	Defrauding creditors	Shoplifting, riot and 12 other crimes	Total
Sentenced to death	81	208	362	90	95	11	31	3	240	1121
Executed	72	118	251	22	71	10	22	3	109	678
Pardoned, transported or died in gaol	9	90	111	68	24	1	9	0	131	443

Table 4: the respective offences and their punishments at The Old Bailey 1749-1771

Source: John Howard, *The State of the Prisons* (Everyman ed.), Table VII, p.290.

It was not that England had become a more crime ridden society, but rather that there had been a change in the type and location of crime, and consequently the laws to combat it. Throughout the century there was a transition from an agriculturally based society towards an urban one. Rights

⁴⁷ Ignatieff, p.45.

⁴⁸ Emsley, p.255; McLynn, p. xv.

that had previously belonged to people who obtained their living from the land, like free pastures, wood collecting, and fishing, were taken away and made illegal. This led to severe poverty among the tenant farmers who resorted to an increasing number of illegal or criminal acts. The theft or killing of cattle, fires, assaults, even murders became more commonplace. In the towns there were riots and an increase in the number of persons involved in robberies, burglaries, theft, handling stolen property, begging, vagrancy and prostitution.

In Ireland, the pattern was somewhat similar, with again one notable exception. Vagabonds were banished in large numbers, as they were commonly associated with petty crime, begging and prostitution. Ekirch mentions that, from the surviving records, between 1737 and 1743 of 1,938 persons sentenced to transportation in Ireland only 990 had committed any offence, of whom 531 were vagabonds and 459 were felons. Grand larcenists comprised the majority of the latter.⁴⁹

In Scotland the death penalty was usually reserved for the most serious crimes although transportation was sometimes used for serious acts of violence. The High Court of Justiciary in Edinburgh sentenced 181 men and women to transportation to America from 1718 to 1775. Thirty-five of this number were charged with murder, robbery or rape. The court tended to show leniency towards a suspect who petitioned for their own banishment before trial, although it sometimes gave the lesser punishment of transportation depending on the circumstances.⁵⁰

In England there was a growth in the belief of the ruling class that the major cities, especially London, consisted of a vast and unruly mob ready to riot and endanger public safety at the slightest instigation. Riots occurred in Drury Lane, London, in 1743, 1750, 1755, 1763, 1770 and 1776. Bread and

⁴⁹ Ekirch, *Bound for America*, p.31. There is no explanation of the crimes of the remaining thousand convicts.

⁵⁰ Ibid.

food riots elsewhere were common.⁵¹ There was a widespread belief that alcohol was the root cause of the many disturbances, and it was recorded that there was one public house to every fifteen houses in the City of London, one to eight in the City of Westminster, one to four in St. Giles,⁵² long regarded as a den of iniquity. In 1750, seven thousand out of every twelve thousand quarters of wheat sold weekly in London were converted into alcohol.⁵³ The temptation for crime was also greater in the cities where bales of goods on the dockside, hams in the windows of cookshops, pots dangling from ironmongers' stalls, parcels on the flatbeds of carts all offered incitements to criminals that were unavailable in the village.⁵⁴ The lack of an organised police force, a corrupt and inefficient prison system, inefficient administration of the Poor Law, and the development of a criminal underclass exacerbated the situation.

The first move to revise the criminal code had been made in 1750 when the House of Commons appointed a Committee to inquire into the state of the criminal laws with a view to their repeal or amendment.⁵⁵ Their main proposals may be grouped under six headings: (a) measures to eliminate or to attenuate certain social evils productive of crime; (b) recommendations directly relating to the administration of criminal justice, one being the pressing need to improve and re-organise the police; (c) proposals regarding the law of arrest and system of trial; (d) that a more severe punishment be appointed for certain offences, notably receiving stolen goods and prison breaking; (e) a resolution that there were great defects in, and abuses of the Houses of Correction; and, (f) a revision of the criminal law, 'that it would be reasonable to exchange the punishment of death...into some other adequate punishments'.⁵⁶

⁵¹ Lecky, *History of England* (1904), vol. 3, p. 325 wrote, 'London witnessed scenes of riot that could hardly have been surpassed in Connaught or the Highlands' quoted in Radzinowicz, *History*, I, p.425.

⁵² The area that is now bounded by New Oxford Street, Charing Cross Road and Shaftesbury Avenue.

⁵³ Radzinowicz, *History*, I, pp. 399-403; Roy Porter, *English Society in the Eighteenth Century* (London, 1982), ch. 3.

⁵⁴ Ignatieff, p. 83.

⁵⁵ JHC, XXVI, p.8. The Committee sat from 1 February 1750 to 18 June 1751.

⁵⁶ Ibid.

At the same time as the Committee sat, Henry Fielding the Bow Street magistrate published *An Inquiry into the Causes of the late Increase of Robbers*.⁵⁷ Fielding was much perturbed by the state of crime and lawlessness in London. He believed that robbers and thieves were organised into large gangs and trading professionally in crime, using every possible method of evading the law including rescuing prisoners, bribing prosecutors, inducing members of the legal profession to forge defences, and bringing false witnesses to support their defence. He examined the legal structure of the system as well as its operation and in every respect found it wanting. The lack of a consistent structure, he believed, encouraged the commission of the many offences and undermined the authority of justice. His proposed remedy was to strengthen the controls over the lower strata of society by removing all temptations, especially alcohol and entertainment, followed by punishment and control. He also advocated that punishment for certain classes of offender should be more severe and certain. In this latter respect his remedy was a more rigorous enforcement of the death penalty, without a detailed analysis of the anomalies presented by certain statutes. His only concession was to recommend that hanging, currently a public spectacle, should be conducted swiftly, and in private.⁵⁸ Whilst he wished to see an effective system of crime prevention he tended to concentrate instead on a revision of the criminal law that posited itself on two principles, intimidation and prevention.

There were many similarities between the Committee's and Fielding's outlooks, although their ultimate conclusions were quite different. Fielding was concerned with the repressive aspects of penology whilst the Committee were more enlightened. The Committee not only recommended the reform of prisons and bridewells, but also emphasised the need to revise the capital laws. In this latter respect the Committee realised that it was impossible to revise the capital laws without some reform of the administration of criminal justice and certain branches of social policy, like the Poor Laws. Many social

⁵⁷ Henry Fielding, *An Inquiry into the Cause of the late Increase in Robbers* (London, 1751).

⁵⁸ Radzinowicz, *History*, I, p. 410-13.

reforms had to be brought about, and effective alternative punishments devised and tested, before the death penalty could be dispensed with without depriving society of the sense of security it derived from its extensive application, and before public opinion could be fully expected to support the enactment of more lenient punishments. In this respect the Committee was way ahead of its time and many of its recommendations would not be implemented for over 150 years.⁵⁹ There was still much to do when transportation was suspended in 1775.

Shortly after the 1750 Committee reported to the House a Bill was introduced which recommended punishment by hard labour in His Majesty's dockyards. The Bill passed the Commons but was rejected by the Lords who were opposed to any relaxation of the severity of the criminal law. There was also opposition from members of society who saw such punishment as akin to slavery and incompatible with the dignity of free people, quite a curious paradox when they were also prepared to continue the spectacle of public hangings. The Dock-Yards Bill, as it became known, was criticised for being difficult to enforce, and also it was believed the results of its enforcement would pose a danger to the communities living near or working in the dockyards.⁶⁰

Whereas in the counties the number of executions was diminishing, in London and Middlesex in the five years from 1766 to 1770 the number of executions more than doubled from 39 to 91.⁶¹ This caused Parliament again to consider in 1770 whether a revision was necessary of certain capital statutes. On this occasion Sir William Meredith raised the motion in the Commons.⁶² He believed that it was essential to adopt a penal policy that did not punish the minor offender with the same severity as the serious criminal, where the penalty of hanging was applicable to both. He thought that the severity of the system undermined the quality of criminal justice, although he

⁵⁹ Ibid., p.421.

⁶⁰ Ibid.; Ignatieff, p.45.

⁶¹ *Report from the Select Committee*, appendix 2.

⁶² *PH*, vol. 16, cols. 1124-7.

also mentioned that it led to depopulation, an exaggeration not supported by the figures.⁶³

A Committee was appointed in 1770 that presented its report in May 1771. Sir Charles Bunbury, one of its members, reported that their investigations led them to seek the repeal of the death penalty under four separate statutes. Unfortunately Parliament was prorogued before anything could be done, so it was re-appointed in January 1772 and after further deliberations recommended the repeal of four further capital statutes. This was the first occasion in the history of the movement for criminal law reform that some measures for improvement had at last been made.⁶⁴ The list was quite diverse: two statutes were connected with the punishment of gipsies, one with the protection of a bridge, one with a political offence, and yet another with offences against morality and sex. The subject of the remaining two was the punishment of two widely different forms of murder. They had little in common except that they had long fallen into disuse and the deliberations of the Committee can be considered very cautious. After debate the Commons adopted six of the eight revisions with little discussion. The subsequent Bill, better known as the Penal Laws Bill, was again lost through the prorogation of Parliament while the Bill was being debated in the Lords.⁶⁵

It was clear that there was unease within certain sections of society at both the severity of the law and its inappropriateness. William Blackstone, the Vinerian Professor of English Law at Christ Church Oxford, had been agitating for improvement to the laws during the 1760s.⁶⁶ Taking up the cudgel first wielded by Cesare Beccaria in Italy he said, 'Though we may glory in the wisdom of English Law, we shall find it more difficult to justify the

⁶³ Radzinowicz, *History*, I, p.427-49.

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ Although in 1754 an anonymous writer had argued that capital punishment should be repealed for all offences except treason and murder. '...as moral actions are infinitely variable, on account of the difference of persons, age and education', he went on, '...the deterrent effect of the death penalty is overrated...Toil and labour afford a much longer and more dreadful example to deter others from committing the like offences.' See Radzinowicz, *History*, I, pp. 32-3.

frequency of capital punishment to be found therein.⁶⁷ Like Beccaria he believed that punishment should never be the sole answer to crime, but rather the punishment should fit the severity of the crime committed. In this way there could be laws that would be certain in their execution, unchangeable in interpretation and quite independent of the caprice or temper of the judge.

One of his pupils William Eden (the current Undersecretary of State) supported Blackstone but with a caveat. That caveat was that capital punishment should be used as a last resort and given only to those who were beyond help, had failed the system and continued to be a menace to society. Unlike Blackstone he disagreed that punishment should increase in severity depending on the type of crime committed. Mercy, he believed, was the soundest policy, especially when combined with measures for the rehabilitation of the criminal.⁶⁸ Eden went on to advocate a reduction in the number of crimes subject to capital punishment, arguing that the ultimate penalty should be reserved for the most serious alone, like high treason, arson, piracy and murder.⁶⁹

In seeking alternative punishments, Eden also passed comment on transportation. He argued that transportation deprived the nation of an able body of workers, to the detriment of the state. Frequently such transportees, he continued, had a better life in their new country, 'he is merely transferred to a new country; distant indeed, but as fertile, as happy, as civilised, and in general as healthy, as that which he hath offended.'⁷⁰ He felt, therefore, that transportation should be reserved only for hardened criminals, and that these might be exchanged for Christian slaves in the Muslim states of North Africa, 'or be sent to establish new colonies, factories, and settlements on the coasts of Africa, and on small islands for the benefit of navigation'.⁷¹ He went on to

⁶⁷ Blackstone, *Commentaries*, IV, p.18. Cesare Beccaria, *Dei Delitti e Delle Pene* (Italy, 1764) translated by J.A. Farrer as *Crimes and Punishments* (London, 1880).

⁶⁸ William Eden, *Principles of Penal Law* (London, 1771), p.33.

⁶⁹ G.C. Bolton, 'William Eden and the Convicts, 1771-87', *AJPH*, 26 (1980), pp. 30-44.

⁷⁰ Eden, op. cit. He was to elaborate this view later in his *Discourse on Banishment*, (London, 1787).

⁷¹ Ibid.

describe the difficulty of ascertaining the success of such innovative government, but that information could be obtained from merchants and others 'who are qualified by experience to point them out' and 'have the inducement of interest to promote their success'. The less serious offender, he believed, should be employed in the dockyards, salt works, mines, the Stannaries or public buildings of the kingdom. Herein lay the seeds of what was to follow, using the convict in works that benefited society, either at home or abroad.⁷² Eden realised the need for some form of effective secondary punishment that was both humane and applicable. However, in his desire to repeal the penal code he does not seem to have realised the effect of repealing the death penalty for so many offences at the same time, and hardly ever indicated possible alternative penalties, perhaps, a measure of how difficult it was to come up with the right answer and solve the problem.⁷³

Criminal law reform discussions reached their zenith with the views of Jeremy Bentham. Whereas Eden wanted to reform the whole criminal code, Bentham suggested a method for measuring pain in direct relation to the amount of suffering caused to the victim by the criminal. His idea was that love of pleasure and fear of pain are dominant motives of human conduct. Therefore, pain was a necessary evil, and the infliction of pain should outweigh any pleasure that a convict got from committing the crime. In Bentham's opinion, imprisonment, such as it was, was also unsatisfactory and required some measure of hard labour, with rigorous supervision and inspection of inmates. Control the bodies of the criminal, he argued, and it was then possible to control their minds. His idea of a Panopticon⁷⁴ penitentiary appeared to him to contain all the qualities necessary in punishment.⁷⁵ After Bentham's return to England in 1788 he first tried in 1790

⁷² Sixteen years later Eden developed this theme in his work, *Discourse on Banishment* (London, 1787).

⁷³ Radzinowicz, *History*, I, p.313.

⁷⁴ Bentham first learnt of the Panopticon while visiting his brother Samuel in Russia during 1785-8. The Panopticon was to be a circular structure that enabled one or a small number of inspectors to watch all the prisoners at the same time; it also provided for the constant supervision of the guards. Prisoners would be required to work for up to sixteen hours a day, and by selling the product of their labours the prison would eventually become self-sufficient.

⁷⁵ McLynn, pp.254-6; O'Brien, pp. 72-6.

to interest the Irish Government in a Panopticon. The following year, 1791, saw both the publication of three pamphlets on the Panopticon and Bentham's first formal proposals to the British Government. Unfortunately for Bentham, by the time his proposals came before the Ministers interest in penal reform had waned and transportation to New South Wales had begun.⁷⁶

Bentham's view of transportation was that it was unsatisfactory, as it did not pose an example to others, and those that it reformed would find it too difficult to return. It also enabled some convicts to purchase their freedom, leaving only the poor in bondage, and enabled them to return before expiration of their sentences. It was also unscientific in his view, for as he said later in the words of his imaginary judge, 'I sentence you, but to what I know not; perhaps to storm and shipwreck, perhaps to infectious disorders, perhaps to fame, perhaps to be massacred by savages, perhaps to be devoured by wild beasts. Away – take your chance; perish or prosper, suffer or enjoy; I rid myself of the sight of you.'⁷⁷

Thus it was that advanced ideas moved away from an application of the death penalty, albeit that it was the statutory punishment for most crime, to a consideration of the use of the convicted person in some form of labour, either for the benefit of the state, at home or abroad, or in a rehabilitative programme designed to overcome their criminal desires. This was really a rethinking of the basis for some existing practices and an alteration of the relative emphasis in their application. Because there was a reluctance to apply the death penalty for most crimes some other form of punishment was essential. Since the beginning of the eighteenth century three proposals had been made in the course of discussions about modifying the penal system: first, sentence convicts to hard labour in corrective prisons; second, employ

⁷⁶ R.V. Jackson, 'Luxury in punishment: Jeremy Bentham on the cost of the convict colony in New South Wales', *AHS*, Vol. 23, No. 90 (1988), pp. 42-59.

⁷⁷ Bowring, *Works*, I, p.490, cited in A.G.L. Shaw, *Convicts and the Colonies* (Melbourne, 1966), p.57.

the convicts in public works; third, send them to work in the colonies.⁷⁸ Only the third idea had been implemented but the other two ideas still persisted into the 1770s and 1780s.

The idea of employing convicts in prisons was not new, but could it be managed? The person who examined the penal system with this in mind was John Howard, a Nonconformist country gentleman from Bedfordshire, who had been selected High Sheriff of that county on 8 February 1773. He decided to undertake a detailed inspection of its prisons on appointment. So appalled was he by what he found that he conducted an examination of all the prisons in England and Wales, extending that examination later to Ireland and Scotland.⁷⁹ He discovered disgraceful conditions wherever he went: corruption, starvation, lack of hygiene, poor food, appalling conditions and a total lack of moral principles. In addition, minor offenders were mixing with serious felons who were leading them into all sorts of vices. This was exacerbated by the closeness of confinement, especially on the new hulk *Taylor*, the Government solution to the suspension of transportation.

But fundamentally more important in Howard's discoveries was the relative lack of imprisonment as a secondary punishment. During his 1776 review he discovered a total prison population of 4,084 prisoners in England and Wales. Petty offenders subjected to summary justice accounted for 653 of this population, or 16 per cent, and debtors numbered 2,437 or 59.7 per cent. The remaining 994 prisoners, or just fewer than 25 per cent, were felons waiting trial, execution or transportation, although Howard acknowledged that he had recorded some petty offenders under felons.⁸⁰ Hardly any were the subject of a sentence of imprisonment. London prisons accounted for 1,696 of the total or 41.5 per cent.⁸¹ As the number of prisons

⁷⁸ J.M. Beattie, *Crime and the Courts*, pp. 470-500.

⁷⁹ This review ultimately led him to publish a monumental work, *The State of the Prisons in England and Wales*, in 1777.

⁸⁰ Howard, (Everyman), p.17; John Rule, *Albion's People* (London, 1992), p.240; Ignatieff, p.28; McConville, p.51.

⁸¹ About one thousand felons were transported from Britain each year and in London in the five years 1771-5 the number of executions averaged eighty per year. See Ekirch, *passim*, and Radzinowicz, IV, p.147.

and bridewells in England and Wales exceeded five hundred, these numbers hardly equated with the 'teeming with offenders' quotation in the *Morning Chronicle* article of December 1775. Clearly, this scare had other causes.

Howard was unlike any county sheriff previously selected in that he took seriously his obligations to inspect the prisons. He had a particular ability to record his observations on prison conditions, in a detailed though understated way, and placed great emphasis on recording and making recommendations to prevent gaol fever, which, in his opinion killed more convicts than the gallows.⁸² This disease was a major concern everywhere there were courts and prisons. It killed court personnel, as well as the local people who lived near a court or a prison. It also killed many people who had appeared as witnesses. McConville describes how in a small and mainly rural society likely to connect death with disease and wrongdoing, this repeated association could not fail to have had considerable psychological impact.⁸³

The prisons were supposed to be supervised by three outside authorities – the sheriff, the magistrates and the grand jury. But Howard discovered that rarely did these bodies exercise their authority and carry out regular inspections. Amazingly no Act of Parliament had been passed that set out the duties of these officials, nor were there any regulations requiring county or borough magistrates to supervise the prison keepers. When he upbraided them for this dereliction of duty they invariably pleaded fear of the 'gaol fever' as an excuse. But Howard was more thorough than that and also discovered that certain keepers were not above hinting that the 'gaol fever' was in their premises to keep the overseers away. Again and again Howard found consistent abuses by the keepers, hardly surprising when their fees were dependent on the number and nature of the prisoners in their care. The gaolers and keepers also made money in other ways.⁸⁴

⁸² Howard, (*Everyman*), p.6.

⁸³ McConville, p.85.

⁸⁴ Howard, *passim*.

One of the most astonishing features of eighteenth century gaols was their lack of isolation and their freedom from discipline. Rarely was any form of work undertaken, even when some prisoners wished to work, as was the case with some debtors.⁸⁵ It was not unusual for wives and children to accompany debtors to prison. Howard had passed comment on the deplorable overcrowding that occurred in many prisons due in part to the admission of prostitutes as the alleged wives of inmates.⁸⁶ Food provided by the gaolers was insufficient for even basic nourishment, and as a result many relatives and friends brought food to the convicts. If the gaolers provided anything extra they invariably charged for it. That gaolers were allowed to sell alcoholic beverage to inmates exacerbated the situation. On occasions inmates were 'universally drunk' and Colquhoun believed that many crimes were planned in prison.⁸⁷

The overall assessment by Howard was that prisons were chronically underfunded. The state lacked either the machinery or willingness to help or ease the situation, and local authorities were content to let the prison keepers impose fees such that the prison paid for itself. The prison was, in effect, a private enterprise, with the keepership secured through the patronage of a local official. Provided that local taxes were not used in any way the keeper was largely left to his own devices. Profit from any form of labour by convicts, and that was a relatively rare occurrence, would only go to the keeper who had discretion to use the monies accrued in any way he chose.⁸⁸

Howard's examinations placed the Earl of Suffolk in a quandary. Convicts could no longer be sent to the American colonies to work, and hard labour was impossible in the gaols as they stood. To maintain the convicts at public expense without requiring some form of work was provoking condemnation from both the moralists and the taxpayers even though a system did not exist anywhere in the country for a regime of convict labour.

⁸⁵ Ibid., pp. 19-20.

⁸⁶ See p.46 supra.

⁸⁷ Patrick Colquhoun, *A Treatise on the Police of the Metropolis*, 3rd.ed. (London, 1800), p.445.

⁸⁸ Ignatieff, pp. 35-8.

Since prisons could not solve the problem and transportation was no longer available Suffolk decided to compromise and take the third option regularly under discussion. He placed convicts on board ships and forced them into some form of public work on the Thames.⁸⁹ In essence he was putting into effect that idea first mooted as early as 1750 for certain minor felonies.⁹⁰ In July 1775 it had been suggested by a writer to the *Morning Chronicle* that the presence of mud and gravel below the wharves at Westminster and London was causing great inconvenience to shipping and urging people to support a movement 'to recover those advantages which can only proceed from care and attention to navigation'.⁹¹ It occurred to Suffolk that convicts might suitably be employed in this work.

On 1 April 1776, the Prime Minister, Lord North, sought to put Suffolk's new punishment into legislation and asked leave in the House of Commons to bring in a Bill 'to authorise, for a limited time, the punishment by hard labour, of offenders who, for certain crimes, are or shall become liable to be transported to any of His Majesty's colonies and plantations'.⁹² The Opposition attacked the Bill and saw 'no reason why felons might not be sent to the West Indies or to the Falkland Islands' except that the Government 'probably in the prevailing rage of ministerial cringing and subsidising had given up that island, which cost the nation some millions, by private agreement to Spain'.⁹³

On 9 May 1776 North, supported by Bunbury, Edmund Burke and Eden introduced the Bill for debate. Thomas Townshend⁹⁴ strongly opposed the aspect of the Bill that gave the King power to mitigate punishments, and argued that it would place power into the hands of the Crown, which might be the means of perverting justice.⁹⁵ Mr Johnstone, Lord Irnham, Sir Philip Jennings Clerk and Mr Popham agreed with him. Sir Joseph Mawbey would

⁸⁹ Colquhoun, loc.cit.

⁹⁰ Ignatieff, p.45.

⁹¹ *Morning Post*, 26 July 1775.

⁹² *JHC*, vol. 35, p.694; *PR*, iii, p.473.

⁹³ *PR*, loc. cit.

⁹⁴ Later to be created Viscount Sydney with responsibility for making the final decision on the founding of New South Wales.

⁹⁵ Alan Frost, *Convicts and Empire* (Oxford, 1980), p.5.

rather have seen felons sent to the Floridas or the East or West Indies, and Mr Powis opposed the Bill on the grounds that it made no distinction between different degrees of guilt.⁹⁶

The Solicitor General, Alexander Wedderburn, stated that the Bill was only an experiment, an emergency measure for two years, at the end of which it could be repealed or amended if the American situation allowed for transportation again. Eden, who as Undersecretary had had some hand in bringing in the Bill, stated that he had consulted some of the judges and King's Counsel who were unanimously in favour of it. Persons convicted of several species of felony might be punished according to the nature of their crimes; some being sent to garrisons in unhealthy climates and others employed in dredging rivers, or confined in Houses of Correction and made to work; and the term of punishment might be varied. Sir Richard Sutton approved of the Bill because 'it put a stop to sanguinary punishments which were a disgrace to the Government', and Mr Wenman was for the Bill because he 'thought hard labour worse than death for three quarters of those annually hanged at Tyburn'.⁹⁷

The report stage of the Bill took place on 13 May 1776. Concern was expressed at the proposal to vest power in the Middlesex Justices for appointing overseers of the ships in the Thames. Burke said they had become a 'standing reproach' and were 'the most unfit persons on earth' to be trusted with such power, a sentiment based on the work of Howard. Sir George Yonge⁹⁸ thought that the clause in question 'looked like a designed insult on the Corporation of London' and added that Trinity House did not want any convict labour. Sir William Meredith speaking for the Bill said that all

⁹⁶ *PR*, loc. cit.

⁹⁷ *PR*, iv, p. 104. The Bill is printed as No. 286 in Vol. IX, *Parliamentary Papers 1731-1800*; No. 288 is the Bill as amended.

⁹⁸ Yonge, later Secretary-at-War in the Shelburne and Pitt ministries, was a Lord of the Admiralty and MP for Honiton, Devon. He should not be confused with Sir George Young, later Admiral of the White, and one of the authors of plans for the colonisation of New South Wales, who was the commander of the West Africa station.

the gaols were full, and gaol fever must break out if they were not emptied, and Eden reiterated the experimental nature of the Bill.⁹⁹

Alternative suggestions for sending convicts to British colonies or plantations were made but these would involve departures from the established tradition of using convicts as indentured labour and were not thought through. Any new system would involve some form of guarding and there would be both clothing and victualling costs. As Britain had entered into war with the American colonies, both financially and administratively, such costs were considered unattractive and not feasible. Another idea was to use convicts to found strategic bases across the seas, primarily in Africa, but that would also cause additional problems as the convicts still required a guard and the chances of escape were considered high.¹⁰⁰

North's Bill received Royal Assent on 23 May.¹⁰¹ It was expected to last for two years only and allowed for felons to be sentenced to three to ten years hard labour on the River Thames. The gaolers of the various prisons were to arrange transportation to Newgate and all costs were to be met by the county. Alternatively, the court could sentence the felon to hard labour within the county of conviction. Under section thirteen of the Act all counties were then advised to review the state of their bridewells for such work to take place, ensuring that felons and petty offenders were kept separate. The legislators also allowed for victims to sue the offenders for compensation, if necessary causing them to be placed in prison for debt. Clearly Parliament had no real idea of the problem that debtors were already causing in filling the various gaols or they would not have made such a clause. The same could also be said of their understanding of the state of the many local gaols. Parliament knew little and cared less about the general state of disrepair and the appalling conditions of most gaols. What was required was an efficient and determined prison building programme, funded by central government,

⁹⁹ *PR*, iv, p.117. Meredith's comment was an exaggeration. The numbers in the prisons ebbed and flowed depending on gaol deliveries but as I have shown the numbers were exacerbated by the number of debtors confined.

¹⁰⁰ *Ibid.*

¹⁰¹ 16 Geo. III, c.43.

overseen by committed inspectors, like Howard, and regularly supervised by the judiciary as they went round their judicial circuits. Instead the Government fudged the issue.

For, far from being a convict crisis, intimating that crime had soared, the prisons were full to capacity through various laws that dealt with debtors. In addition, the prevailing conditions at the time meant that those same debtors could take their families into prison with them, adding to the overcrowding. This prison problem was fully identified by Howard. But Howard had also established that most local authorities washed their hands of the problem. As far as they were concerned it was a Government problem, and if they could bring pressure to bear on Ministers then it would ensure that Government took overall responsibility. But this was flawed thinking and shows, with a few minor exceptions, that neither the local authorities, landed gentry, aristocracy or Parliament understood the true nature of the problem. At the same time a small number of MPs and lawyers with an interest in penal reform sought to pressurise Government into undertaking a thorough examination of the penal code, something that it was not prepared to undertake as the country descended into yet another war, this time with the American colonies. If that reform did not take place, the reformers argued, then it was inevitable that without a strict enforcement of the Bloody Code, anathema in their opinion, the country would rapidly slide into riot and revolution.

Chapter 3 Initial Solutions, 1776-9

Over the next three years the Government would put more funds towards the hulks, in effect propping up a system that was failing. Two major enquiries into the whole system of hulks operation would do little more than endorse the Government line. Petitions would continue to be made for prison reform, with even stronger evidence from John Howard on the appalling state of the prisons, and additional evidence to support those calling for some type of European system, where convicts worked for their own rehabilitation and to ward off some of the costs involved. But whichever system it chose the Government could not get away from the fact that it either had to put money into a new prison programme, or re-institute a new form of transportation policy. First, Government had to examine the actual implementation of North's temporary hulks system.

The execution of North's Act was entrusted to Duncan Campbell who had previously had the government contract for transporting felons.¹ From 12 July 1776 Campbell undertook to provide a ship of approximately 140 tons burthen and to equip it for the accommodation of 120 male convicts. His contract was eventually drawn up, agreed and signed by 13 August. Payment, according to the agreement, was to be at the rate of £3,560 per annum, payable in six-monthly instalments.² The contract was for three years. He also agreed to provide six lighters, of approximately 40-50 tons burthen, or such size as the service may require, and to equip them in such a way that twelve men could work in each of them. He was to accept all convicts sent to him from the sundry gaols provided that the total did not exceed 120, and feed and clothe them according to the conditions in the Act. In August he accepted the first complement of 85 convicts and then progressively filled the ship, the *Justitia*, until he had reached the agreed 120. Campbell also promised to provide medicine and other necessaries to preserve the health of the convicts, and sufficient staff to manage their

¹ SP 44/93, f.85, Eden to Chamberlayne, 5 July 1776. Eden wrote that Campbell must be approved by the Middlesex Justices by the following Monday.

² T 54/42, f. 228, Campbell Treasury agreement.

labour. When weather permitted, except Sundays, the prisoners were to be employed in raising sand and other materials from the bed of the Thames. Should the conditions preclude such work they were to be employed in some other manner for the benefit of the navigation of the river. But we have already seen that the average annual number of transportees at the time was 960, far in excess of what Campbell could cope with. Unless there was a central administration of the eight judicial circuits in England and Wales there would be no way of telling how many transportees were sentenced to hard labour on the Thames by each one. That administration did not exist.

Throughout 1776 a stream of convicts were being sentenced from the Assizes on the various judicial circuits for imprisonment at hard labour on the hulks. Non-capital offenders, who earlier would have been sentenced to seven years transportation, were being sentenced now to this laborious confinement for a term of three to ten years at the judge's discretion. Those pardoned from a death sentence were to be set to work on the Thames as well for a period determined by the King in the grant of a pardon. Within a short period Campbell was forced to write to the various gaolers and keepers around the country that he was unable to accept any more prisoners.³

The hulks were not intended as a long-term replacement for transportation and soon the county and borough prisons filled up for there was nowhere to send those convicted to the hulks. Imprisonment, an occasional punishment for some felonies, developed into a sentence of first resort for all minor property crime. The Old Bailey, for example, imprisoned 28.6 per cent of all offenders in the period 1775-9 compared with only 2.3 per cent in the five years previously.⁴ It quickly became apparent that a single hulk would not relieve the pressure on the gaols. Two months after the passing of the Act Lord Weymouth wrote to twenty-three sheriffs in the English counties, declaring that it was the King's intention to show mercy to

³ In 1776 hulks were only found on the Thames. The precise number of convicts sentenced to the hulks is again not known but there are many references in Campbell's letterbooks where he advised judges, sheriffs and mayors of various English towns, as well as keepers of most English prisons that he was unable to take any more prisoners. Mitchell MS, A3225 and A3231.

⁴ Ignatieff, p.81.

those who, by imprisonment, had suffered adequate punishment for their respective crimes and directing them to report the number and the particulars of those within gaols under their jurisdiction.⁵ On 21 January 1777 Lord Suffolk, on hearing that the number of convicts on the hulk exceeded that specified in the agreement, recommended a consideration of further provision for those sentenced to hard labour. Another contract was concluded with Campbell on 15 April 1777. By this agreement he promised to provide another ship of 240 tons burthen, and six lighters of between 35 and 40 tons, for the accommodation of another 130 convicts. The other conditions were the same as the first contract with the exception of payment. In this instance the annual payment was to be £3,483 7s 6d, one third of which was to be paid every three months.⁶

Initially, Campbell used the *Tayloe* again, a ship of 260 tons, but in June when it became clear that one extra ship was insufficient, he purchased an old French frigate of 730-800 tons, the *Censor*, which he fitted out for the accommodation and safe custody of 240 convicts and upwards. On 2 February 1778 he contracted for another 130 convicts for a payment similar to that of the second contract. Due to the supposed temporary nature of the legislation and at Campbell's request it was agreed to terminate all three contracts on the same day, 12 July 1779.⁷ This was an optimistic assessment by Campbell. The three contracts stipulated that 380 convicts were to be maintained in the hulks on the Thames, still a ludicrously small number. In reality the numbers on board the *Justitia* and the *Censor* varied considerably. By pardon, death or escape prisoners were constantly passing from the hulks. Others just as quickly took their places from the gaols, where there was always a waiting list of convicts to be transferred to hard labour on the Thames. In Campbell's returns of January-February 1778 he claimed maintenance for 369 convicts, but the following two returns show that he had in his charge 382 and 412 respectively.⁸

⁵ SP 44/143, Weymouth to High Sheriffs, 6 July 1776.

⁶ T 54/42, f. 281, Campbell Treasury agreement, 15 April 1777.

⁷ T 54/42, f. 442, Campbell Treasury agreement, 2 Feb. 1778.

⁸ T 1/539(2), Campbell's report on the convicts.

In March 1778 Lord North referred in his budget speech to the £7,846, which had been voted for the maintenance of the hulks and 'took notice of the experiment he had made of criminal labour on the Thames, which had answered [the convict crisis] beyond all expectation, and hinted at a further extension of the plan over the whole Kingdom'.⁹ On 23 March he returned to the subject seeking leave to bring in a Bill to continue the existing system, enacted in 1776.

The debate¹⁰ that followed showed that the system had not had the support of all MPs; in fact some quite influential members were opposed to this form of punishment. Burke led the attack by stating that he foresaw a time 'when we should put prisoners and felons to death on the principle of economy'¹¹ and suggested that they should be transported to Canada, Nova Scotia and the Floridas. Sir William Meredith disapproved of the hulks as being much more severe than transportation, and totally 'repugnant to the general frame of our laws', and Sir Charles Bunbury contended that England still possessed colonies in America to which convicts might be sent. Sir Richard Sutton and Mr Thomas Townshend both condemned the system because it failed to suppress crime, Townshend commenting that scarcely a night passed without robberies in Park Lane. Mr Gascoyne had visited the hulks and felt that the punishment was far from severe; the men not doing as much work in a day as might be hired for ninepence. They were too well fed and 'thousands' of people visited them and gave them money. Mr Whitworth, who had been on board the *Justitia* and was told by the overseer that the prisoners were very sickly except where pitch and tar acted as a preventive. Mr Gilbert probably expressed the views of his peers when he described the hulks as a temporary measure, which he would support until something better was substituted. At the conclusion of the debate, the House of Commons, on the suggestion of Sir Richard Sutton, appointed a Committee of Enquiry to

⁹ *PR*, ix, pp. 1, 4.

¹⁰ *PH*, xix, p.970.

¹¹ *Ibid*.

Inquire into the Measures which have been adopted and pursued, for carrying into execution an Act made in the Sixteenth Year of the Reign of His present Majesty, intituled, "An Act to authorise for a limited Time, the Punishment by hard Labour of Offenders, who, for certain Crimes, are or shall become liable to be transported to any of His Majesty's Colonies and Plantations" and also into the Effects produced by the Said Act; and to report the same, with their Opinion thereupon, to the House.¹²

Sir Charles Bunbury was selected as its chairman.¹³ Other members of the Committee¹⁴ to consider the 1776 Act were Sir Richard Sutton, Lord North, Sir Gilbert Elliot, Alexander Popham,¹⁵ Sir Frederick Montagu¹⁶ and Archibald Macdonald. This first Bunbury Committee can be considered a committee of lawyers, highly skilled in the laws of the time. With Sutton as a Recorder, and Elliott, Popham, Montagu and MacDonald skilled barristers on the various circuits in England, the Committee were actively involved in trying to reform the laws relating to criminals. They were also, with the exception of Bunbury and Sutton, considered to be strong Government supporters. It was natural then that they should support and uphold North's desire to continue the Hulks Act, although with certain amendments designed to enhance the conditions for the convicts. MacDonald, as the son-in-law of Earl Gower, had knowledge of the innermost workings of the Government, while Montagu was not only a close friend of North and Rockingham, but was consulted by them

¹² *JHC*, vol. 36, p. 846.

¹³ Bunbury was the MP for Suffolk. Born in 1740 he had been educated at Westminster and St. Catharine's Hall, Cambridge, before being elected in 1761. His speeches in Parliament during the 1770s tended to be concerned with justice for individuals or with humanitarian causes. Bunbury owned estates in Suffolk and a property in Grenada. He was a friend of Charles James Fox and his set, and a member of the Literary Club.

¹⁴ *JHC*, vol. 36, pp. 846, 949.

¹⁵ Alexander Popham was born in 1729 and was the MP for Taunton from 1768 to 1796. He was the Recorder at Wells and a Master in Chancery. In 1774 he had brought in a Bill that was subsequently split into two. The first part sought to abolish fees demanded by gaolers for acquitted prisoners. The second part provided for the more efficient control of the prisons by local magistrates; proper ventilation of the prisons; separate rooms for the treatment of the sick; arrangements for regular bathing; and a surgeon and apothecary to be provided on a stated salary for each gaol. Little progress was made on either Act until John Howard's damning indictment of the state of the prisons in 1776.

¹⁶ The 43-year-old Sir Frederick Montagu was the MP for Higham Ferrers from 1768 to 1790. He was a barrister at Lincoln's Inn from 1757 and related by marriage to Lord North. In 1780 he declined the offer of Speaker of the House of Commons and later became a Lord of the Treasury. He was a frequent speaker in the Commons and a member of the inner circle of the Whig party being consulted on many important occasions.

regularly on nearly all aspects of domestic policy. Bunbury also had a good knowledge of the law as he sat as a magistrate in Suffolk. His involvement in trying to better the position of convicted felons went back to 1770 when he sided with Meredith to try and change the penal laws. In 1776 he was not to know that his involvement would continue for a further eight years, until 1784, when he lost his seat. Nor was he to know that the Government would shortly call upon him again to review the conditions of prisoners.

The committee thus formed was one with an inherent interest in the law and its effects on the peoples of the country. It might be argued that they were humanitarian in principle, seeking to bring about just punishment for the myriad of offences of the time. Distinctly Whiggish in character, they aligned themselves with the North Government

The committee took evidence from seven witnesses.¹⁷ In his testimony Duncan Campbell informed the committee that the Middlesex Justices had appointed him in July 1776. No particular orders had been given to him about fitting out a ship and he had chosen to adopt the method used in transport vessels; tiered bedding but spaced at a greater distance than in transports. He also made allowances of two feet per man, six inches more than the transports. He had provided matting but the prisoners had treated it carelessly and friends had brought blankets as a supplement. He provided rugs for those without blankets and sheets of canvas to cover six convicts. Originally he had provided a ship for 120 convicts but in April 1777 he was asked to provide for a further 130 more. In October 1776 he reported to the Secretary of State that he was holding 84 men, none of whom were sick. Shortly afterwards he received 64 prisoners from Maidstone and other gaols and he believed that they had brought the gaol-fever with them. Shortly afterwards prisoners began to die and continued to do so in ever greater numbers throughout the first half of 1777. In March 1777 he had been asked to provide another ship and he used one of his own Jamaica ships. He then found a man-of-war and in June he purchased it for a hospital ship.

¹⁷ *JHC*, vol. 36, pp. 926-32.

At the same time he asked for advice in forming a hospital from Mr Joseph Banks¹⁸ and Mr Daniel Solander. These two gentlemen had accompanied Cook on his first circumnavigation in the *Endeavour*. On that trip Cook had not lost a single man to the scurvy or any other disease that affected naval personnel on long voyages. As members of the Royal Society they were considered to have expertise in the feeding, distribution of bed space, and general cleanliness required on ships over long periods. They had advised the use of hammocks but because of the chains worn by the convicts these had proved impractical. Despite taking other precautions with regard to airing the bedding, providing portholes, and regularly visiting the prisoners, between August 1776 and March 1778 he had lost 176 men out of 632 convicts supplied. He believed the eventual loss through illness would be one seventh.

There was obviously a great fear amongst convicts of being sentenced to hard labour on the hulks. It was a punishment that they dreaded. The Recorder of London had helped to fuel this fear by telling those he sentenced to the hulks that 'if they were incorrigible they would be worked without remission to the utmost of their strength'.¹⁹ It is not surprising then that Campbell reported 'the universal Depression of Spirits was astonishing'.²⁰ As a result they were either not prepared or unable to work as well as had been hoped. In order to lift their spirits, and in the hope of getting better labour from them, Campbell adopted a system of recommending to the Secretary of State those whom he considered worthy of a pardon. This had had an excellent effect upon the convicts. In little more than eighteen months Campbell had secured pardons for sixty offenders and wished to recommend thirty more. Few of those pardoned re-offended. Not all his recommendations succeeded and in any case it did not always reduce the numbers on board. In fact, numbers still gradually increased throughout 1777.²¹

¹⁸ Banks was not created a baronet until 23 March 1781.

¹⁹ *Annual Register*, 1776, p.163.

²⁰ *JHC*, vol. 36, p.928.

²¹ T 1/539(2), Campbell's Report on the Convicts.

Campbell described how previously when transporting convicts he had been paid £5 per man for nourishment and conveyance of them to Maryland and Virginia. He had made enquiries about the Floridas, an area he did not know, but was informed that they had refused to take any convicts and in any case he felt that it would be too expensive to convey convicts there. He had also been informed that some convicts taken to Virginia escaped and committed felonies in neighbouring colonies. The West Indies had a law forbidding the transportation of felons, and in recent years the navigation to St Augustine and Pensacola in the American colonies was much more difficult. He had also been informed that some convicts transported to Virginia and Maryland had brought infections with them causing 'great losses in families'.

Howard was the next to give evidence. He reported that he had visited the hulks twice, in October 1776 shortly after they were commissioned and also in January 1778. In his first visit he had gone on board the *Justitia* where he saw many men who looked sickly and pale. There were 83 convicts on board and they had informed him that they had neither surgeon nor apothecary and received little attention for their sickness. Very little separated the sick from the healthy. Food rations were inadequate and the men slept on bare boards. He stated that shortly beforehand he had visited the gaols and 'he was clear, the Prisoners had no Gaol Disorders upon them when they came on board'. This latter evidence is in contrast to Campbell's which had said that he believed the sickness had come from Maidstone that October with the transfer of 64 prisoners. It is not possible to prove who was right but the effect of Howard's first visit was that Campbell implemented measures that improved the lot of the convicts.

Between Howard's two visits, Dr Solander, the friend of Banks, made three unexpected visits during the summer of 1777 to the hulks. He now gave evidence to the Committee.²² Solander had arrived together with other gentlemen of the Royal Society and some naval officers. He had visited both

²² JHC, vol. 36, p.928.

the *Justitia* and the *Censor*. He thought that the convicts were well provided for with adequate provisions that he had tasted. Their behaviour was orderly but he felt that their bedding was too close and in his opinion the convicts would be better off being partitioned from each other. Their health was best during his first visit, but it had deteriorated by the second. With the introduction of an infirmary there had been a slight improvement by his third visit. He had also inspected their work and felt that they did not work too hard, although he noted that they were punished for refusing to work.

Howard then informed the committee that on his second visit in January 1778 he found conditions much improved. He found 125 convicts on board the *Justitia* and 183 on board the *Censor*. His main criticisms were the lack of rules, poor clothing, the absence of a chaplain, and the need to scrape the ships clean rather than washing them. He then gave evidence on the state of other prisons around the country since the enactment of the Hulks Act.²³ He was asked 'If this Bill should drop, are there any Places in the Houses of Correction he had seen, fit for the Reception, and safe-keeping to Hard Labour, of Felons?' Howard replied

This Winter was Two Years, [since] he went over the whole Kingdom, from Penzance to Berwick upon Tweed; he went into every County; he was out between Four and Five Months, and saw very few capable and strong enough to confine Convicts – That he has viewed a great many since passing the Act, but in very few saw any Alteration – That he begged Leave to observe, that when he spoke to the Question of the Alteration in the Bridewells, it was from Observations made in his Journey through England this Time Two Years before the Passing the Act; but at the latter End of the Year 1776, after the Month of May, when the Act passed, he was at Salisbury, Gloucester, Hereford, Worcester, Bristol, Shrewsbury, Chester, Lancaster, Carlisle, Durham, York, Lincoln, Nottingham, Leicester, Oakham, Warwick, Oxford, Cambridge, Ely, Norwich, Ipswich, Huntingdon, etc. and that Summer he knows the Judges, in their Charges, had mentioned the Clause in the Convict Act, yet he found not the least Attention had been paid to it.²⁴

²³ 16 Geo. III, c.43.

²⁴ *JHC*, vol. 36, p.930.

He went on

That in the situation Bridewells are, it is impossible to confine felons... That the convicted Felons are kept at County Gaols, because the Bridewells are insecure – That some have been kept for Three or Four Years – That the Term of their Transportation does not begin till they are put on Board, which is a great Hardship – that the terms of the Galley Slaves in France commences within Twenty-four Hours after Conviction, though they may be kept some Months before being sent on board.²⁵

Howard's evidence was further proof, if it were needed, that since the demise of transportation to America the country was at a loss as to what to do with convicted felons. Despite the introduction of hulks and the continued use of convict labour in the armed forces, judges and magistrates were unable to resolve the growing prison crisis. Popham's 1774 prison reforms had met with little success. In addition, even though the preamble to the 1776 Act suggested that convicts might be kept at hard labour in other parts of England, little effort had been expended on carrying out that punishment, county magistrates and Assize judges preferring to send convicts to London. Magistrates rarely or never visited the prisons they were responsible for and certainly took no steps to improve conditions. In contrast, Campbell had sought the advice of competent critics and was ever willing to attend to that advice. His personal interest in the hulks was demonstrated by his twice-weekly visits, and he frequently stayed on board for the full day. Although he rarely visited the hospitals he nevertheless sought improvements in hospital conditions.

Of the evidence of the remaining four witnesses that of Thomas Powney was the most telling. Powney was the Clerk of Works to the Board of Ordnance and the convicts worked under his direction. He generally oversaw between fifty and two hundred a day. He estimated that the cost of the work they had undertaken in making a wharf, digging ditches and other useful occupations was £3,350, while the cost of their labour in raising ballast from

²⁵ Ibid.

the Thames was £2,703 12s. 6d. In other words, the system was paying for itself. Generally, the convicts appeared well clothed and although they did not work as hard as some they worked as hard as the men on the highways. He also pointed out that they worked cheerfully and were allowed a pint of beer a day, as a result of an application to Lord Townshend by Mr Campbell. The remaining witnesses described their belief that convicts brought the gaol fever with them, from whatever gaol they had been kept in, and that it quickly spread to other prisoners. Steps had been taken to separate out these infected prisoners with an initial improvement in their health. These additional witnesses generally supported Campbell's evidence.

There was one other fundamental difference between the ordinary gaols and the hulks. Possession of any form of wealth could make life considerably easier for convicts in prison. Gaolers were always willing to provide better food, quarters and clothing to those prepared to pay them but the hulks precluded such favouritism. On the hulks, the same food, accommodation and work ethic applied to all. In fact, convicts viewed the work as excessive, a view that led to statements that they would rather be hanged than serve a sentence on the hulks. It is no wonder then that the hulks inspired fear among convicts when they were first put to use. Although visitors were not entirely excluded from the hulks their comings and going were very much more restricted than in the gaols.

On 15 April 1778 the committee duly reported to the House. Its report contained the following facts: one quarter of the convicts had died on the hulks, the greatest number of deaths occurring in prisoners transferred from county gaols to the *Censor*, which was the roomier vessel. Neither the Act, nor any of the contracts made with Campbell, provided for a chaplain to officiate at burials and offer weekly prayers. No provision was made for a coroner to officiate over deaths. A hospital or hospital ship was desirable. The contracts provided for only 380 convicts while the yearly average of those sentenced to transportation between 1769 and 1776 had been 960, including 720 males. That equates to the proportion liable to punishment by hard labour at that time. The overseer had entered into three contracts; the

first at the rate of £38 per head for 120 convicts, the second and third for 130 convicts each at the rate of £26 15s 10³/₄d.

The Committee were resolved

That it is the Opinion of this Committee, That from the Beginning of the Institution of the Hulks, there has been a progressive Improvement in the Accommodation, Food, Employment, and Means of preserving the Health of the Convicts sentenced to hard Labour on the River Thames, and that the said Hulks are at present convenient, airy, and healthy.

That it is the Opinion of this Committee That it will be proper, by a new Bill, to continue the present Mode of punishing Convicts on board the Hulks, by hard Labour, for a certain Time.²⁶

This was a complete exoneration of all those involved in the administration of the hulks. Yet it must be remembered that the report of the committee was from men inspired by humanitarian motives, examining a government contract in some depth, with a desire to compare and contrast the differing gaol procedures in place at that time. But to the Committee the ideas of prohibition, discipline and labour experienced on the hulks were considered valuable aspects in reforming the criminal mind and it is not surprising that they recommended a continuation of the system. Parliament accepted the resolution of the Committee. On 28 May 1778 Royal Assent was given to continue the Act until 1 June 1779. However, Parliament still wanted a full solution, so this new Act²⁷ was again made a temporary measure. The larger question still remained: what to do with the convicts?

The truth of the matter was the hulks were not solving the problem created by the cessation of transportation to America. They were not intended to be the long-term replacement for transportation and could only absorb a very small proportion of those convicts who would previously have

²⁶ *JHC*, vol. 36, p.932.

²⁷ 18 Geo. III, c.62.

been transported. The remaining convicts had to be kept in county and borough gaols even though Howard had proved their inefficiency, corruption, overcrowding and maladministration. But central government did not have the authority to order the local authorities to build new gaols and even when laws had been directing that course of action they had not been followed. In a very small number of cases new gaols and bridewells had been constructed, for example, at Chelmsford, Coventry, Kingston, and Newport in Essex. So Howard's comments about lack of commitment to the gaol programme did not apply fully in these areas at least. Yet even in the new institutions he found faults, which he was most willing to describe in a vain attempt to get changes made. It was equally obvious to Howard that the hulks could not resolve the prison accommodation problem. Despite all Campbell's best efforts the hulks were still only a temporary measure and it is highly unlikely that he was prepared to spend any more than he was being paid for their improvement.

As Campbell improved the conditions for the convicts so the various clerks of assize and gaolers wrote to him requesting that he take convicts languishing in the various prisons around the country, but sentenced to hard labour on the Thames. As he still only had the two ships on the Thames he felt that such sentences would only cause him difficulty. To demonstrate the problem he wrote to William Fraser at the Treasury on 8 May 1778 and explained that there were 399 convicts on the hulks, nineteen more than he had contracted for. They came from Lincoln, Bedford, Huntingdon, Sarum, Oxford, Warwick, York, Winchester and London, and he had received requests to take more convicts from Kent, Sussex, Hertfordshire, Essex, Surrey, Peterborough, Buckinghamshire, Cambridge and Northampton, as well as Newgate.²⁸ The situation of overcrowding continued to develop throughout 1778 primarily because there were contracts for only 380 felons per annum, whereas an average of 720 were liable to be sentenced to hard labour on the hulks each year.²⁹

²⁸ Mitchell MS, A3226, ff. 201-2, and 205, Campbell to Fraser, 8 May 1778 and 25 May 1778.

²⁹ Eris O'Brien, *The Foundation of Australia* (London, 1950), p.93.

Eden and Blackstone believed that they had a way to overcome the problem. They asked John Howard to visit Holland to ascertain how that country dealt with its prisoners as they had heard that the prisons in that country were ideal models for improvement in England.³⁰ The Dutch prisons inspections began in April 1778, immediately after he gave evidence to the Bunbury Committee. He found that they were clean, quiet and orderly, well managed and intent on the reformation of the criminal. Work was undertaken daily which subsequently assisted the upkeep of the prison, kept the prisoners usefully and gainfully employed, and gave them a sense of purpose. In many cases it also helped to create skills that the prisoners did not have before entry into the gaol.³¹ Eden now wanted up to date information to enable him to draft his Penitentiary Bill. Eden had stated that, 'transportation had been found insufficient both for the reformation of offenders and the example of others',³² and alternative solutions were needed. What was required, he felt, were houses of hard labour where serious felons would be shut away from the public, and kept in solitary confinement where they would be either punished by hard work or left to ruminate on their crimes. Coupled with that measure he recommended an overhaul of the many statutes that he felt showed the law as being inefficient, to bring about a systematic form of sentencing understood by all who applied the law as well as those who committed crime.

When Eden proposed his Hard Labour Bill in 1778 he had to proceed cautiously. The new Bill advocated the establishment of thirty-eight new 'houses of hard labour'. This was a reduction on the number advocated in 1776, where he had suggested one be built in every place with a court of criminal jurisdiction, which would have amounted to well over one hundred. The reduction was made because of the expense of the earlier scheme, and a further suggestion to reduce costs was to bring more hulks into operation

³⁰ Ibid. p. 102. This was to be a defining moment for Howard as he then embarked over the next twelve years on inspections of European prisons in many countries, dying of gaol fever caught while visiting a prison in Russia in 1790.

³¹ Pieter Spierenburg, 'The Body and the State' in Norval Morris and David J. Rothman, eds., *The Oxford History of the Prison* (Oxford, 1995), pp. 68-77.

³² O'Brien, p.102.

on more rivers to overcome the need to transport the convicts to London. But Eden went further. His draft Bill advocated that only certain judges should have the power to pass the sentence of hard labour in the hulks, that the actual term of imprisonment with hard labour should be reduced, and that a sentence of hard labour on the hulks should be an alternative to transportation not the preliminary part of it. Eden's idea was that a convict should have solitary confinement, sobriety, instruction and well-regulated labour, the profit from which would repay the community for its broken peace.³³ This was very similar to the Dutch system.

For government to take any other form of action it needed information not speculation, so in December 1778 the House of Commons ordered

An account of persons convicted of felonies or misdemeanours and now under sentence of imprisonment, in the gaols and houses of correction in the City of London and the counties of Middlesex, Essex, Kent, Hertfordshire, Surrey and Sussex; specifying their respective crimes, the time when, the term for which, and by what court, each person has been imprisoned; together with an account of the allowance made for the maintenance of such persons, and in what manner they are employed.³⁴

The results were fairly obvious. The prisons did not exist in the form required to make any sentence of hard labour within them a reasonable form of punishment. The hulks were too few. In addition the war was draining government resources and there was reluctance by central government and the local authorities to take any action that required additional expense. The government decided to hold yet another enquiry and again Bunbury was selected as the chairman, although he had earlier queried why transportation could not be re-introduced to the West Indies or West Africa.³⁵ The Committee thus formed was again comprised of barristers and law officers. This time they held a detailed enquiry in which they examined three specific issues: an examination of the current state of the maintenance and employment of felons in the prisons in London and the Home Counties; a

³³ O'Brien, p.103.

³⁴ *JHC*, 37, p.53.

³⁵ *PR*, ix, col. 283.

review of the hulks and the plans for the management of convicts sentenced to hard labour; and, a review of the Acts for the punishment of transportation and new proposals for that same punishment brought to the Committee. Then they were to make recommendations on the evidence that they had received.³⁶

The first part of their enquiry produced evidence from the keepers of Newgate, Clerkenwell Bridewell, the New Prison Clerkenwell, and Tothill Fields Bridewell. That showed that far from being employed at hard labour in any of the prisons, convicts were generally set menial tasks, spinning wool, picking oakum, beating hemp or sewing sacks, for which they were paid a pittance. Their labour did little to reduce costs and was generally unprofitable. In some gaols the convicts did nothing at all. The evidence complemented the earlier work of Howard, who had reported that the management of the gaols was precarious, if it existed at all, accommodation insufficient for the needs of the prisoners, sentences too lengthy for any reformation of conduct, and there was free association between debtors, accused, convicted, male and female. Howard again gave evidence and reported that similar conditions existed in the prisons in the West of England, although usually their convicts undertook no work.³⁷

The second part of their enquiry re-examined the previous year's report on the hulks. The evidence given by Campbell, Erskine his overseer, and various doctors sought to assuage the committee's worries about the general state of the hulks and re-assure them that conditions had improved. Sir Herbert Mackworth MP, gave evidence of the industriousness of the convicts when he had visited. He believed that the work the convicts undertook in clearing the rivers, making quays or wharves, lowering the riverbed for larger ships to come in, and the making of a dock, was all essential public service and useful to the nation. He also believed that the lame and crippled that he saw were inappropriate people to be on board the

³⁶ *JHC*, v.37, pp. 306-15.

³⁷ *Ibid.* See also Sheila Lambert (ed.), *House of Commons Sessional Papers of the Eighteenth Century*, Vol. 31 (Delaware, 1975), pp. 363-391, which is a faithful copy of the report in the *Journal of the House of Commons*. I have chosen to use Lambert's copy.

hulks, and that the hospital ship that Campbell had provided was inappropriately moored, being too near the other hulk.

Whilst employment of convicts on hulks in government works was considered a good idea, the committee also examined the opportunities available for similar convicts in the prisons yet to be built. At this stage the evidence of Howard was fundamentally important. He was able to provide evidence of how other European countries, which did not have hulks, dealt with their felons. Basically they were employed making products for the state, improving fortifications where required, or undertaking hard, menial work, in state run institutions. He believed that convicts in England should be similarly employed. He advised the committee that the start-up costs were high but that the labour of the convicts caused that expense to reduce annually thereafter.

A Benjamin Crook then gave evidence that supported Howard's view. Crook's plan was to use the convicts within the safe confines of the government dockyards, making cordage. In such places, he proposed, supervision was easy, the task was achievable, and no convict could remain idle. In addition, rewards should be given to encourage the convicts to work.

Even Sir Charles Bunbury was taken with the idea of useful employment for felons. He suggested that convicts should be employed sawing stone, an area of employment that was using up to three hundred labourers in London alone. Again, supervision was easy, embezzlement was nigh on impossible, and the work was healthy. Private labourers earned from seven to thirty shillings a week at the task, and this could provide an enormous saving to government.³⁸

The committee now chose to examine the history of transportation. It is not known in which order witnesses were called but it is fair to assume that they were called in the same order as recorded in the report. That being the

³⁸ Ibid.

case, the first to be examined was Joseph Banks. Banks had been elected President of the Royal Society the previous year and therefore had enormous influence in the progress of science and the arts. Banks was asked

In case it should be thought expedient to establish a Colony of convicted Felons in any distant Part of the Globe, from whence their Escape might be difficult – and where, from the Fertility of the Soil, they might be enabled to maintain themselves, after the First Year, with little or no Aid from the Mother Country – to give his Opinion what Place would be most eligible for such Settlement.³⁹

Banks replied that the place which appeared to him best adapted for such a purpose was Botany Bay, on the coast of New Holland, in the Indian Ocean (or so he said), which was about seven months voyage from England. He explained that he had visited the country with Cook in 1770 and that it was sparsely populated, the natives being cowardly and unlikely to pose any opposition to a settlement. He went on to state

That the climate...was similar to that about Toulouse, in the South of France, having found the southern Hemisphere colder than the Northern, in such Proportion, that any given Climate in the Southern answered to one in the Northern about Ten Degrees nearer to the Pole; the Proportion of rich Soil was small in Comparison to the barren, but sufficient to support a very large Number of People; there were no tame Animals, and he saw no wild Ones during his Stay of Ten Days [in Botany Bay], but he observed the dung of what were called Kangourous (sic), which were about the size of a middling Sheep, but very swift and difficult to catch;...there were no Beasts of Prey, and he did not doubt but our Oxen and Sheep, if carried there, would thrive and increase; there was great Plenty of Fish...The Grass was long and luxuriant, and there were some eatable Vegetables, particularly a Sort of wild Spinage; the Country was well supplied with Water; there was Abundance of Timber and Fuel, sufficient for any Number of Buildings, which might be found necessary.⁴⁰

Clearly it was important to Banks to give the Committee details of climate and soil to enable them to make an informed decision at a later stage. By also providing detail of the type of animal necessary for prolonged

³⁹ Ibid.

⁴⁰ Ibid.

sustenance, and the vegetation that could be grown or found naturally, he allowed the Committee to consider settlement in greater depth. The Committee then asked him how a colony could be established in such a place. He said

They must certainly be furnished, at landing, with a full Year's Allowance of Victuals, Raiment, and Drink; with all Kinds of Tools for labouring the Earth, and building Houses; with Black Cattle, Sheep, Hogs, and Poultry; with Seeds of all Kinds of European Corn and Pulse; with Garden Seeds; with Arms and Ammunition for their Defence; and they should likewise have small Boats, Nets, and Fishing-tackle; all of which, except Arms and Ammunition, might be purchased at the Cape of Good Hope; and that afterwards, with a moderate Portion of Industry, they might, undoubtedly, maintain themselves without any Assistance from England.⁴¹

Now he was giving the bones of an argument for free settlement. Clearly, any settlement so far from England, or indeed any other civilised habitation, would have to exist on its own. It was essential that Banks provided the detail that was required for such existence, to assure the Committee that whoever went, free man or convict, was not going to a certain death from starvation. In providing evidence of equipment and seeds that would be required, Banks brought to the attention of the Committee the potential costs that they would need to consider in addition to any transportation fee. He went on to recommend that a large number of persons should be sent, two or three hundred at least. He believed that escape would be difficult as the land was so far distant from any other land occupied by Europeans.

Finally, the Committee asked Banks 'Whether he conceived the Mother Country was likely to reap any Benefit from a Colony established in Botany Bay?' He answered 'that if the people formed among themselves a Civil Government, they would necessarily increase, and find Occasion for many European Commodities; and it was not to be doubted, that a tract of

⁴¹ Ibid.

Land, such as New Holland, which was larger than the Whole of Europe, would furnish Matter of advantageous Return.'⁴²

Time may have eroded Banks's detailed knowledge of the region for his testimony was at variance with his journal, completed immediately after leaving the Australian mainland and sailing for Batavia in 1770. During this part of the voyage, while sailing through the Timor Sea, Banks had taken the time to reflect on his experiences of New South Wales. In that journal he wrote

For the whole length of the coast which we sailed along there was a sameness to be observed in the face of the country very uncommon; Barren it may justly be called and in a very high degree, that at least we saw. The Soil in general is sandy and very light: on it grows grass tall enough but thin set, and trees of a tolerable size, never however near together, in general 40, 50, or 60 feet asunder. This and spots sometimes very large of loose sand constitutes the general face of the country as you sail along it, and indeed of the greatest part even after you have penetrated inland as far as our situation would allow us to do.⁴³

Banks went on to describe the scarcity of water and 'a soil so barren and at the same time entirely void of the helps derived from cultivation could not be supposed to yield much towards the support of man'.⁴⁴ Tools, he wrote, were damaged by the hardness of the trees and the vegetation was near fatal to the animals on board. Later he tempered his account by stating that although the land was barren, it was not so barren that shipwrecked sailors would not be able to support themselves should they have the misfortune to land there.

So what reason could Banks have had in 1779 for recommending Botany Bay? Well, undoubtedly, the vast number of new plants that were discovered had had an effect upon him. The properties of those plants, he felt, would be of immense benefit to humanity in due course. It must also be

⁴² Ibid.

⁴³ J.C. Beaglehole, ed., *The Endeavour Journal of Joseph Banks 1768-1771*, 2 vols. (Sydney, 1963), II, p.112. I have made minor alterations to Banks's spelling.

⁴⁴ Ibid., p.113.

remembered that in the eighteenth century medicines had to be found in nature; they were not able to be manufactured artificially. His discovery of over 1,500 new species of flora and fauna from among the thirty thousand plus specimens that he brought back excited both the botanists and apothecaries of the day.⁴⁵ Banks was also taken by the simplicity of living, and general well being of the native aborigines. Their lack of luxuries and common necessities gave them a happiness that he felt was long lost to cultured peoples. Placing convicts in such an environment, where the opportunity to carry out their nefarious ways was denied to them, would, in Banks's opinion, only hasten their reformation and rehabilitation. He knew that he had discovered, and brought home, only a very small part of the potential botanical and animal discoveries of that vast land. Writing in his journal on the way home he had bemoaned the fact that he had only been able to penetrate a short distance into the interior, and did not know what further riches and discoveries might be found there. What he did know was that those further discoveries were unlikely to be made by sailors or explorers. What was required was a settlement, peopled with inhabitants that had the ability to undertake expeditions of further discovery. Only in that way could England hope to take advantage of her claim to New South Wales. It was that thought that enabled him to state to the Bunbury committee that in due course a settlement would furnish 'matter of advantageous return.'⁴⁶

Other witnesses now gave evidence that sought to show the benefits of another place – West Africa. Not only were they able to describe it in fairly glowing terms, similar in some ways to Banks's testimony, but also they were also able to put financial information to the Committee that showed that the overall cost would be less than the costs of keeping convicts on hulks. The first witness, John Roberts, a former Governor of Cape Coast Castle, recommended Yanimarew, about 400 miles upriver from the mouth of the River Gambia, which he described as fertile and hilly, abounding with animals and fish, and capable of producing the staples of life easily like

⁴⁵ H.B. Carter, *Sir Joseph Banks* (London, 1988), pp. 95-6.

⁴⁶ Lambert, p.380.

corn, grain and nuts. The initial cost he estimated at £7,049 7s 10d for passage, stores and equipment, with an additional cost of £3,302 19s 4d for supervision of the convicts and clothing. The overall cost for each convict he estimated at £15 14s 6¼d. He believed that this cost would reduce to £13 8s 2¼d in the second year.⁴⁷ This was considerably cheaper than keeping the convicts on the hulks, and certainly undercut by a long way the cost of building any prison. Roberts also answered one of the main concerns connected with transportation – escape. He felt that escape would be impossible, as the natives would not let them pass through the country. He also believed that after two years the convicts would not only be self sufficient but able to provide ‘advantageous returns to England’. They could also be employed in further exploration of the interior, a region relatively unknown to any European. Roberts’ estimate only contained a plan for one governor and four European officers, a complement unlikely to be sufficient to guard 210 convicts.

Thomas Perkins was the next to give evidence and supported Roberts’s evidence. He had lived in the region for four years and felt that although some of the convicts might get a sickness on arrival, less than a sixth would die from it. He believed that one hundred pounds would purchase the necessary land for a convict settlement but that the convicts should be armed to protect themselves from the natives. He stated that corn, indigo and cotton could be produced and sent to England or sold to passing ships at great advantage. Fish, fowl, cattle and fruit were in abundance.⁴⁸

Robert Stubbs supported the evidence of Roberts and Perkins. He had also lived in the region but advocated a settlement at Podore rather than Yanimarew, which was seventy miles up the River Senegal. He also felt that newly arrived convicts would suffer some deaths from sickness but that the number could be lessened by ensuring that they arrived at the best

⁴⁷ JHC, v.37, p.312.

⁴⁸ Ibid.

time of the year, namely November.⁴⁹ A Doctor, Thomas Wallace, advised the Committee that he had also lived in the region for four years, and that while some deaths would occur, he doubted that it would be more than a sixth of the number sent out. Those that survived were usually returned to full health.⁵⁰

Richard Camplin gave the most damaging evidence. He handed the Committee a prepared paper containing an account of the deaths of Europeans sent to Cape Coast Castle from 1755 to 1776. Seven hundred and forty six persons had been sent, 334 had died, and 271 had either been discharged or deserted, and of many there was no account. This amounted to an 81 per cent loss rate, and he claimed that fatalities had been so great that the African Committee in the previous three years had only sent seven officers, preferring to operate the garrisons with natives and children born to Europeans in that place.⁵¹

Colonel Charles O'Hara informed the Committee that he had resided in Senegal for a number of years and that Podore was one of the healthiest spots on the river. He believed that the local people, Moors, would be prepared to sell land for a settlement for one hundred pounds. However, the country was politically unstable, and as the ruling party might easily be overthrown, the new party might make similar demands of England. The fickleness of the natives and their continued demands for money were the reasons why the English had abandoned the fort at Podore. He also believed that the climate was unhealthy for the European, notwithstanding his comments about Podore itself, and that in ten years at least a third of all men died, and hardly a single woman survived there.⁵² Lastly, Sir John Irwin MP gave evidence that convicts might be employed in repairing the garrison at Gibraltar, provided that there were hulks for their accommodation. No other evidence was taken.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Ibid.

When they presented their report to the House of Commons on 1 April 1779 the second Bunbury committee made five recommendations. First, persons brought before the courts for misdemeanours and petty offences, if the prosecutor agreed, should be sent to serve in 'the Land Forces, in the East or West Indies, or in the Navy, for a term of three years or upwards'. Secondly, those considered to be of good behaviour whilst serving their term of imprisonment should, on examination by two magistrates, be allowed to remit one sixth of their term if they were prepared to undertake an apprenticeship for a minimum of one year. Thirdly, regarding transportation the Committee acknowledged the difficulties that were being experienced by Government. They felt that

The sending of atrocious criminals to unhealthy places, where their Labour may be used, and their Lives hazarded, in the place of better Citizens, may in some Cases be advisable; and in the instances of Capital Respites, is indisputably just.

That the Plan of establishing a Colony or Colonies of young Convicts in some distant Part of the Globe, and in new-discovered countries, where the Climate is healthy, and the Means of Support attainable, is equally agreeable to the Dictates of Humanity and sound Policy, and might prove in the Result advantageous both to Navigation and Commerce.⁵³

The place they were referring to was clearly New South Wales, as Africa, the East Indies, the West Indies, and Canada, were long established. Fourthly, that some alteration needed to be made to the laws regarding the maintenance and employment of felons, confined by sentence of imprisonment, or by sentence of imprisonment with hard labour, in the different places within England. Finally, that a law be passed altering the place of transportation for those awaiting to go specifically to America, to broaden the destination to 'some other part of the globe that may be found expedient.'⁵⁴

⁵³ *JHC*, v.37, p.315.

⁵⁴ *Ibid.*

In relation to the hulks, the committee made their most demanding recommendations, including many of the aspects that had been advocated by William Eden in his draft Hard Labour Bill. It was their opinion that the hulks held some inappropriate inmates, who either by age or the nature of their crimes should have received some other punishment, although they did not elaborate on what that might be. They believed that the mortality rate was high because of the generally poor state of the many prisons around the country where inmates had become infected with gaol fever and then brought it with them when they were transferred to the hulks. To overcome that problem the committee recommended that two prisons should be built, close to the hulks, to enable an assessment of each convict to be made, both from a health perspective and for their ability to undertake arduous work. They further recommended that the cost of the improving and enhancing the many gaols in the country should be met by empowering the local magistrates to raise the sums necessary, 'and make such Bye-Laws and Regulations, with the Consent and Approbation of the Judges of Assize, as may be requisite for these salutary Purposes.'⁵⁵ They were critical of the lack of commitment shown by any area in the country to overcome the problems that were manifesting themselves. They stated

It further appears to your Committee, that the Clause in the said Act of Parliament, [18 Geo. III, c.62] which directs the Justices of the Peace throughout England, to prepare proper Places for the Reception of Offenders adjudged to Hard Labour, and to make due Provision for their Employment, Regulation, and Government, has not engaged any competent Attention; and that in the mean Time there is a pressing Want of some adequate Provision for the Class of Convicts heretofore liable to Transportation, and which, by very accurate Returns, may be estimated at near One thousand Annually.⁵⁶

The Bill was enacted in May 1779⁵⁷ and contained all the recommendations of the Committee. At last it must have seemed as if something was going to be done about the growing prison problem. Though

⁵⁵ Ibid. p.389.

⁵⁶ Ibid. p.388.

⁵⁷ 19 Geo. III, c.74.

there was support for resuming transportation, there was equally criticism of the lack of commitment anywhere in the country to resolving the developing prisons crisis. Whilst the prison hulks again received approbation there was also an acknowledgement that they were an inadequate substitute for gaols. Many of the gaols would have to be replaced and the prison system remodelled. This was an expense that no local authority was prepared to countenance and the cost would have to be borne by central Government, which was extremely unlikely whilst the country was at war with the American colonies.

The onus was firmly back with the Government for while there was still not a crisis the increase of prisoners on the hulks was creating its own problems similar to the prisons, that is, not enough accommodation. Whichever option they chose as a solution to their prison problem - a building programme, more hulks or transportation - they knew that there would be a cost implication. The great reluctance still to become involved in any expensive prison-building programme meant a search for alternative, cheaper solutions. In the absence of suitable prisons or hulks a return to transportation would have to take place. But that would mean a return to the pre-1775 system that encouraged merchants to take felons. By 1779 there were now 1,300 or so imprisoned convicts who had been sentenced to transportation. The problem for Government now was to find a place that was suitable. As it turned out, over the next six years repeated attempts were made to take the cheapest option and send convicts to Africa.

Chapter 4 Transportation and Prisons 1779-84

In order to understand why transportation was considered the best solution by so many, it is first necessary to explain what use had been made of convicts since transportation had first been enacted. Only then can we focus on areas where transportees had been used and where they might be used in 1779. The alternative now was to undertake a prison-building programme. As we shall see the costs of such a measure were prohibitive, particularly as the country was at war throughout most of this period. Sydney, despite all the difficulties involved, attempted to send convicts to America again and when that failed turned towards the cheapest destination, West Africa.

Banishment, as a measure of penal policy, began long before the discovery of America. It was the ideal solution to those who baulked at the severity of capital punishment because it removed the offender from the very society that he had harmed. There was no further need to have any concern for the offender; that was left to the receiving society. The process was also cheap and could be profitable for all concerned.¹ Banishment had arisen initially after the intervention of monasteries where the accused had taken himself in search of sanctuary. The prisoner then chose to banish himself and he went into exile on the understanding that this would modify any other penalty, usually capital punishment that he would otherwise have suffered. In the reign of Elizabeth I banishment was used for Jesuits and Popish recusants. In 1584 Richard Hakluyt, making a case to rid the prisons of the idle and mutinous, suggested that 'the pety [sic] thieves might be employed for certain years in western parts in sawing and felling of timber and in planting of sugar canes'.²

Magistrates were first empowered to deal with idle persons who refused to work in 1547. The Vagrancy Act³ prescribed that they be handed over to masters who would compel them to work, a system of slavery. Then

¹ Shaw, *Convicts*, p.21.

² *A Discourse on Western Planting*, 1584, Hakluyt's Collection of Voyages, Goldsmid Edition, p.195, quoted in Oldham, *Britain's Convicts to the Colonies*, p.1.

³ 1 Ed. VI, c.3. The Act was repealed in 1550.

in 1597 a new Vagrancy Act⁴ was passed which repealed all previous Acts, and codified and amended the law. It defined the persons who fell under the categories of rogues, vagabonds and sturdy beggars. Such persons were to be whipped, sent to the place whence they had come or where they had last dwelt for a year, and there kept at work in a house of correction. The Act also stated that any rogues 'appearing dangerous to the inferior sort of people' or 'such as will not be reformed of their roguish kind of life' were to be 'banished out of this realm ...and conveyed unto such parts beyond the seas as shall be at any time hereafter assyned [sic] for that purpose by the Privy Council.'⁵

Then in 1601 the Privy Council introduced a form of conscription by offering the more able vagrants the choice of military service in Holland instead of being whipped and punished. Two years later a Royal Proclamation stated that magistrates could send incorrigible rogues to Newfoundland, the East or West Indies, Spain, Holland, France or Germany. In this instance Britain was only following her European neighbours, for Portugal, Spain and France had used criminals and vagrants as colonisers in the fifteenth and sixteenth centuries. Then in 1607 unruly youths, bad servants and ill husbands were sent to the new colony in Virginia, inciting Sir Francis Bacon to write, 'It is a shameful and unblessed thing to take the scum of people and wicked and condemned men, to be the people with whom you plant; and not only so, but it spoileth the plantation; for they will ever live like rogues and not fall to work but be lazy and do mischief, and spend victuals, and be quickly weary, and then certify over to their country to the discredit of the plantation'.⁶ By 1611 requests were made to the King for common labourers to assist in the process of colonisation in the New World. Sir Thomas Dale asked for 'offenders out of the common gaols' for Virginia.⁷ The idea appealed to the King and Privy Council who believed such labour would help to correct felons' nefarious ways and yield 'some profitable service for

⁴ 39 Eliz. I, c.4.

⁵ William Holdsworth, *A History of English Law*, 16 vols (London, 1948), X, pp.177-8; Shaw, *Convicts*, p.23.

⁶ Francis Bacon, (1561-1626), 'Of Plantations', *Essays* (Everyman ed.), p.104 quoted in Shaw, *Convicts*, p.23.

⁷ Sir Thomas Dale to Salisbury, 17 Aug. 1611, *Calendar of State Papers, Colonial, 1574-1660*, pp. 11-12.

the commonwealth in parts abroad.⁸ In 1615 the Council of James I ordered that those found guilty of 'anie robberie or fellonie (wilfull murther, rape, witchcraft or burglarie only excepted)' might be used for service in the East Indies or the American plantations. It was also felt that such transportation would act as a deterrent in England. However, between 1615 and 1640 only 123 reprieved felons seem to have been sent out.⁹

In the same year, 1615, the Assize judges started to pass sentences on those convicted of clergyable felonies and petty larcenies to short terms of imprisonment in bridewells.¹⁰ It would appear that even in those times there was a reluctance to hang felons for every conceivable offence for which they were convicted and so there began a search for a viable alternative punishment, less severe than the death penalty but certainly more effective than branding or whipping.¹¹ If convicts could be used in some useful way then they might be deterred from committing crime. To set them to work in the bridewell, colonise or exploit new lands, or conscript them into the military seemed to the government a good use of a resource that would otherwise be a drain on society. During Cromwell's Commonwealth transportation was used to send many Irish prisoners of war to Virginia, Barbados and Jamaica and in 1655 pardons conditional upon transportation began.¹² In 1685 supporters of the Monmouth Rebellion were sent to English plantations in America. Between 1655 and the end of the century about 4,500 criminals were transported after agreeing a pardon, although others continued to be sentenced to transportation as a punishment prescribed for their offences.

During the last quarter of the seventeenth century moves were made to follow the European line and employ convicts in certain public works. But neither the will nor the organisation was available to make such a

⁸ Quoted in Shaw, *Convicts*, p.24.

⁹ Ibid.

¹⁰ A.E. Smith, *Colonists in Bondage. White Servitude and Convict Labor in America 1607-1776* (Gloucester, Mass., 1965), p.92.

¹¹ Joanna Innes, 'The role of transportation in seventeenth and eighteenth-century English penal practice' in Carl Bridge, ed., *New Perspectives in Australian History* (London, 1990), pp. 1-23.

¹² Oldham, *Convicts*, p.2.

punishment a success in England. However, it was known that manual labour in many different ways was required in the burgeoning British colonies and all that was required was to set up the necessary procedures to place transportation on a formal footing. But there were certain practical difficulties to overcome first. To start with only a certain type of criminal was required in the American colonies, usually a young, fit male, first offender, who was more than fitted for the labouring tasks that he would be undertaking. Preferably, he should have a trade of some sort, like carpenter, bricklayer or farmer. But there was the additional problem of shipping the convicts to the Americas, an easy task in principle but made more difficult because of the numbers of volunteers willing to go to those colonies. Women and old men in particular, though they might have been pardoned on condition of transportation, could not find anyone to take them and languished in the gaols of England. The second problem that Britain encountered was that some of the colonies no longer wanted this type of labour. This was especially true of the West Indies where slaves from West Africa were cheaper to purchase and easier to supervise. Barbados agreed to take prisoners who were fit for labour, but not women, children or the infirm. Jamaica imposed similar restrictions.¹³ As Britain again entered into war with her European neighbours at the turn of the century, transportation became even more difficult to implement.¹⁴ Part of the reason for the problem was that while Britain had imposed its authority on colonial trade and other aspects of the colonial economy, immigration and settlement policy had largely been left to the colonies themselves.

At the end of the seventeenth century magistrates and the recorder in London came up with their own solution; they released the women who could not be sent overseas. This outraged society so in 1697 the Lords Justices decreed that no distinction was to be made between men and women; they also concluded that it would be necessary for the government to pay to have the women transported. As a result fifty women awaiting transportation in the London gaols were sent at the Treasury's expense to the Leeward Islands,

¹³ J.M. Beattie, *Crime and the Courts in England, 1660-1800* (Oxford, 1986), p.481.

¹⁴ Innes, p.13.

the only colony that could be found to take them.¹⁵ The cost was eight pounds per head. The reason why such steps were necessary was the general outcry caused by the release of women convicts. But the reason was also one of necessity for the gaols could not take them.

At the end of the War of the Spanish Succession in 1713, Beattie informs us that there was an increase in crime and disorder in and around London, reflected in the number of prosecutions for robbery, burglary and violent crime against property. In 1711 three men were convicted at the Old Bailey and pardoned from the death penalty on condition that they transported themselves. In Surrey at least, there was a reluctance to pardon offenders, and as a result the number of executions increased. Execution rates in Surrey rose to 60 per cent in 1714-15, while on the Home circuit between 1688 and 1718 about one in eight of those committed for trial was sentenced to death.¹⁶ This showed the difficulty still being experienced with transportation and the search was again made for alternative punishments. Imprisonment was considered, but the high costs of building secure prisons as well as a belief that such a punishment was not stern enough for persistent offenders militated against such punishment. Transportation was still the preferred option. After the succession of George I the Whig government felt that they were at last strong enough, politically and financially, to ensure that any new legislation passed to deal with the problem, would be sure of success. As a result they passed the Transportation Act of 1718.¹⁷

The Committee appointed to consider the Bill consisted of all the members for the counties of Surrey and Middlesex, and for the City of London.¹⁸ But crime was not confined to these areas alone and it was obvious to the Committee that a systematic and determined system for dealing with all offenders was required. The Act allowed courts to sentence a non-capital felon directly to a term of transportation to America for seven

¹⁵ Beattie, p.482.

¹⁶ Beattie, pp. 500-501; Shaw, *Convicts*, p.28.

¹⁷ 4 Geo. I, c. 11.

¹⁸ Beattie, p.503.

years, and to establish a term of fourteen years for those pardoned by the king from a capital sentence. The Act also laid down that returning to England before expiration of the full term of the sentence was itself a capital offence.

The second aspect of the Act was that it recognised that transportation had been carried out on a piecemeal basis prior to it, and there had been no machinery to guarantee that the court's orders had been obeyed. A system that depended on the merchant's willingness to take convicts had broken down because merchants simply could not dispose of everyone that the courts wanted to send. There was an understanding that any new system would cost money to be successful, and at last Britain was in a financial position to ensure it. The Treasury agreed to put the whole business of transportation, from Newgate and the counties surrounding London, by contract into the hands of a London merchant, Jonathan Forward, and to pay him a fee of three pounds for each convict he took across the Atlantic. The Treasury also paid him for the transportation of felons from the Home Counties, but prisoners from the provincial assizes were to be subsidised by a county rate, and a contract was to be made between a merchant and the local magistrates.¹⁹ Forward kept the contract for twenty years and was succeeded by merchants who kept it as long, which serves to confirm that the contracts must have been extremely lucrative.²⁰

Forward already had experience of transportation as he had taken 131 convicts to Maryland in 1717 and transported another forty in 1718. Over the next decade the government subsidy rose, at Forward's strong urging. In 1721 it was increased to £4 for London prisoners, the same rate that had been fixed for provincial prisoners in 1719. Then in 1722 it rose to £5 for county prisoners and in 1727 £5 became the standard fee for all prisoners taken from London and nearby counties. That subsidy remained unchanged

¹⁹ Authorised by 6 Geo. I, c. 23, which gave to county courts authority to appoint two or more Justices of the Peace to contract with any person for the removal of those whom they had sentenced to be transported.

²⁰ The contractors were Jonathan Forward, 1718-39; Andrew Reid, 1739-57; John Stewart, 1757-72; and Duncan Campbell, 1772-5 when the trade came to an end. See Ekirch, *Bound for America*, passim.

until 1772 when the scheme ended. The cost to the Treasury between 1718 and 1772 came to more than £86,000 and funded the transportation of nearly 18,000 felons.²¹ The *quid pro quo* in Forward's contract was that he would take felons regardless of age, physical condition or sex. Additionally, there was a penalty of £40 for each convict not shipped within two months. Occasionally convicts petitioned for the right to arrange their own passage but the authorities rarely honoured such requests.

Years	London	Bristol	Other ^a	Total
1746-55	1,322 (61.3)	405 (18.8)	431 (20.0)	2,158 (100.1)
1756-65	1,261 (48.2)	1,170 (44.8)	183 (7.0)	2,614 (100.0)
1766-75	2,656 (58.4)	1,764 (38.8)	131 (2.9)	4,551 (100.1)
Total	5,239 (56.2)	3,339 (35.8)	745 (8.0)	9,323 (100.0)

Table 5: English ports of embarkation for convicts transported to Maryland, 1746-75 (percentages in brackets)

Note. a. Barnstaple, Bideford, Liverpool, Newcastle, and Plymouth

Source: Ekirch, *Bound for America*, p.73

During the course of the eighteenth century, English merchants shipped convicts from all over England, although in due course London and Bristol came to dominate the trade, the latter at the expense of Barnstaple and Bideford. (See table 5.) The trade was concentrated in the hands of a few merchants, usually operating as partners to minimise risk, although occasionally small traders, though not government beneficiaries, transported convicts on a smaller scale. The government contracts were usually awarded to those with government connections. For example, Forward was a friend of the Solicitor-General, Reid was a friend of the Secretary to the Treasury.²² From the Maryland records Ekirch was able to show that of thirty-four identifiable firms involved in the trade from 1746 to 1775, twenty-four never sponsored more than a single voyage, and these twenty-four carried 1,545 convicts to the colony. Ninety per cent of the remaining trade to Maryland was carried by two particular firms, Sedgely and Co. (1749-68) and Stevenson, Randolph and Cheston (1768-75). These two firms shipped 2,954 felons to that colony in forty-seven voyages. The numbers carried to the American colonies on each voyage varied: during 1742-5 Reid made

²¹ Ekirch, pp. 70-1.

²² Ibid., p.70 and 74.

seven voyages with an average of 92 convicts per trip, but the extremes were as far apart as 61 and 167.²³ The larger companies dealt not only in convicts but also participated in the indentured servant trade. Convict vessels frequently carried quantities of dry goods outward, and on their return came back with colonial exports like tobacco, wheat, and pig iron. A few merchants were also slave traders, like Jonathan Forward and Samuel Sedgely.

The convict trade was not always lucrative as mishaps at sea sometimes happened with losses due to shipboard mortality, shifting conditions on the colonial labour market and slow remittances. And with the penalty of not taking the convicts in the time allotted the market value could shift significantly. In addition, there was the outlay for the ship and its equipment, and operating costs including the seamen's wages, provisions, insurance, and port charges. Still, large profits could be made. Duncan Campbell made three voyages in 1772 where he transported 348 convicts to Virginia at an estimated cost of £2,001 12s. 9d. Furthermore, Campbell sold the transported felons for as much as £2,957. 9s. This return did not include the fees Campbell received as government contractor since that payment had been discontinued. Had it been paid he would have received a further £1,740 for the three voyages.²⁴ Randolph and Cheston reputedly earned an estimated profit of 26 per cent from sixteen trips from Bristol to Maryland, not including fees paid by localities for the removal of their transports. The more efficient the merchants became, the more they were likely to attract contracts from the gaols in other parts of the country. Certainly there was no shortage of merchants applying for government contracts.²⁵

The 1718 Transportation Act authorised provincial courts to contract privately with merchants for the removal of convicts. This caused some hardship for local authorities as, besides the merchants' fees, other monies had to be paid to clerks for transportation certificates, as well as fees to gaolers for taking the convicts to the contractors. For example, in

²³ Oldham, p.4.

²⁴ Ekirch, pp. 76-7.

²⁵ Ibid.

Gloucestershire, between 1727 and 1773, the assize and quarter sessions courts ordered 642 felons to be transported. The cost to the county was about £4,230 or £6 11s 8d per convict. This amounted to a little over nine per cent of the county's entire budget for the period and did not take into account the expenses of keeping the convict in a local gaol until ready for transportation, or the poor relief afforded his family afterwards. Distance from the port of embarkation also added to the cost, especially when merchants paid the gaolers' fees. A merchant charged Derbyshire justices only £2 for each convict in 1770, but charged North Yorkshire £6 per convict. In 1751 Coventry paid £3 3s per convict to the merchants. By 1775 no standard system existed for transportation costs in the various counties; each had to make its own agreement with the merchants. Table 6 below gives some comparisons of costs from the different county towns.

In Ireland, where the population was fewer, trading was conducted on a smaller scale, but still the cost of transporting felons was quite considerable. Between 1737 and 1743 the country transported 1,938 felons and vagabonds at an estimated cost of £8,500 or £4 7s 8d per individual.²⁶ Dublin was the main port of embarkation, although Newry, Galway, Limerick, Cork and Waterford were also used. No single merchant dominated the trade. Merchants were supposed to receive £6 per prisoner transported but frequently gaolers responsible for the conveyance of the convicts demanded half of that fee. The costs to local authorities were not inconsiderable either, especially as the Irish gaolers demanded larger fees than their English counterparts.²⁷ By 1783, it was alleged in the *Hibernian Journal*, that merchants and shipping agents, who had the most to gain from transportation, were entering into fraudulent practice to take men and boys who could not afford the passage to America by getting them to sign blank indenture papers.²⁸

²⁶ Ekirch, pp. 80-1 and 85.

²⁷ Ibid., pp.83-5.

²⁸ Bob Reece, *The Origins of Irish Convict Transportation to New South Wales* (Basingstoke, 2001), p. 83.

In Scotland the system was a little more haphazard as the local authorities were reluctant to subsidise convict removal. As so few were sentenced to transportation prisoners were not consigned to contractors to be sold as servants. Instead, ship captains filed bonds with local authorities guaranteeing the safe delivery of their passengers. Then in 1766 Parliament extended the provisions of the 1718 Transportation Act to Scotland, allowing contractors to receive fees and to sell convicts for a full seven years. The commission was given to Patrick Colquhoun, the future London magistrate, in 1771, and he shipped the convicts mostly from Glasgow.²⁹

Ipswich	£6.6s.0d each	Clerk of Assize to get one guinea for each transport
Warwick	£8 each	Clerk of Assize to get one guinea for each transport
Coventry	£8 each	
Leicester	If one £8, more £7 each	
Lincoln	£8.8s.0d each	Gaoler to get 13s4d per prisoner
Oakham	£10 each	
Northampton	If two £7 each; more £6.16s.6d each	
Reading	£2.2s.0d each	
Oxford		Bill of expense required
Worcester	Gaoler no benefit.	Clerk contracts with merchant
Winchester	£5.5s.0d each	Plus hire of the wagon
Dorchester	£2.12s.6d each	
Exeter	£1.1s.0d each	Plus 2 guineas to the merchant and the county pays an additional £5 per contract
Ivelchester	£3.12s.0d each	
Bristol	£5.5s.0d each	
York	£10.10s.0d each	
Durham	£10.10s.0d each	
Carlisle	£1 each	To Whitehaven
Appleby	£0.1s.0d each	To Whitehaven
Chester	£5 each	Plus £1 expenses

Table 6: transport costs from various county gaols in England and Wales 1773-6

Source: Howard, *Prisons* (1st ed.) pp.216-473. Howard states that 'the sum set down was allowed them [the gaoler or keeper] for conveying convicts sentenced to transportation to the respective seaports; and for paying the merchant or contractor All merchants were also able to make profits from the sale of convicts

in the American colonies. It has already been stated that artisans were more likely to be sold for a better price than unskilled labour, and men attracted

²⁹ Colquhoun was in partnership with Alexander Spiers, a prominent Glasgow merchant, who used his outlets in Virginia and Maryland to make huge profits in tobacco and other goods. Michael Scorgie, 'Patrick Colquhoun', *Abacus*, vol. 31 (1995), p.96.

better prices than women. This was due to the fact that the colonies were becoming self-sufficient environments, and any opportunity that was afforded the colonists to remain so seemed attractive. Artisans could instruct other servants in their trade and consequently merchants in England frequently received requests for convicts with a particular type of trade.³⁰ Ekirch gives some statistical evidence to prove this point, albeit for a relatively small sample. It is easy to see that merchants were able to make profits at both ends of the system, and, depending on where the need was greatest in the colonies, so the profits might be greater or smaller. (See table 7 below)

Prices (£)	Males	Females	Profit (approx)(£s)
3-4	9 (2.7)	1 (1.0)	40
5-6	6 (1.8)	8 (8.0)	84
7-8	23 (6.8)	24 (24.0)	376
9-10	31 (9.2)	67 (67.0)	980
11-12	117 (34.6)		1,404
13-14	78 (23.1)		1,092
15-16	36 (10.7)		576
17-18	17 (5.0)		306
19-20	11 (3.3)		220
21-22	3 (0.9)		66
23-24	2 (0.6)		48
25+	5 (1.5)		125
Total	338(100.2)	100 (100.0)	5,317

Table 7: Convict prices at sales in Maryland, 1767-75

Notes. The table includes a small number of indentured servants. Convicts sold in groups of six or more were not counted.

Source: A. Roger Ekirch, *Bound for America*, p.125

Little thought was given to the rehabilitation of the convict, or to any other humanitarian motive for that matter. Profit was the desired result and

³⁰ There was another anomaly as well. No skilled artisan was legally free to leave Britain or Ireland and enter any foreign country outside the Crown's dominions for the purpose of carrying on his trade. But only textile-printing workers were forbidden to leave the British Isles, other trades could at least travel to British possessions. There were stringent penalties for anyone enticing an artisan abroad as well. At least six Government departments were involved in enforcing these prohibitive laws. The Foreign Office collected consular reports on artisans domiciled abroad and any machinery illegally exported. The Home Office collected details from magistrates on artisans from the manufacturing districts who were making arrangements to emigrate. The Privy Council and Treasury granted permissions and export licences. But the main overseer was the Board of Trade. David J. Jeremy, 'Damming the Flood: British Government Efforts to Check the Outflow of Technicians and Machinery, 1780-1843', *Business History Review*, vol.51, (1977) pp. 1-34.

merchants were prepared to lobby their MPs, or any Committee of the House, for their desired ends. Those merchants who had London addresses were in a better position than their provincial colleagues to do this, being both nearer to the House and more likely to know what debates and committees were being held.

Because profit, not penal policy, was the desired outcome of transportation, no Committee of the House ever sat to discuss the outcome of transportation to the American colonies throughout the entire life of the 1718 Act. Any concern that was ever expressed was only about the ease with which the convicts returned to England, or the better life that they had made for themselves in the colonies. Consequently, little was done either about an alternative form of punishment, imprisonment. This was hardly surprising as imprisonment was rarely used. Minor offences were usually punished by whipping, branding or the pillory, and the more serious offences by the gallows. Prisons were places for holding offenders before and after trial only, or for debtors. But the upkeep of the establishments fell on the local town or county boroughs and they rarely held convicts for any length of time. Debtors, who formed the majority of inmates, usually fell outside local jurisdiction, and frequently brought their wives and children into prison with them. Despite Acts passed in the previous century to ensure debtors and felons were kept apart, and that county justices repaired and built gaols, little had been done in either respect, as Howard noted in the 1770s.³¹

In London the costs of imprisonment were considerably more expensive. For example, the Corporation of London authorised a new prison to be built at Newgate at an estimated cost of £40,000 in 1757. The House of Commons refused a grant to finance the scheme so the City Corporation had to raise the money by other means. A loan of £50,000 was raised by 1770 and the first stone laid, but the work was still unfinished in 1778 and the

³¹ Randell McGowen, 'The Well-Ordered Prison', *The Oxford History of the Prison* (Oxford, 1995), p.81.

Corporation had already spent £52,000. A further loan of £40,000 was authorised to complete the building.³²

Again the authorities turned to enlistment to ease the problem. In 1744 an Act of Parliament³³ had been passed allowing magistrates to offer vagrants the chance to enlist rather than face corporal punishment. Since the start of the American war men who had attracted the attention of the authorities could become soldiers by a variety of means. The 1744 legislation could be invoked, or new legislation enacted in 1776³⁴ could be used. This stated that certain classes of delinquent might be considered for enlistment as a matter of course. Recruitment into the military was further enhanced by Acts³⁵ allowing for debtors to obtain their freedom by consenting to join either the army or navy.³⁶ Smugglers were also singled out as particularly suitable for recruitment, and an Act³⁷ was passed in 1777 stating that convicted smugglers could be taken into the army or navy in lieu of other punishment. This Act also allowed smugglers to evade future prosecution by enlisting forthwith. In Ireland during the late 1770s and early 1780s the Dublin Corporation authorised the regular removal from the streets of known vagabonds for impressments into the Royal Navy and East India Company forces during the course of the American war. They were held, together with convicted felons who had opted for service until they could be removed to their place of duty.³⁸

The Press Acts of May 1778 and February 1779³⁹ contained clauses relating to the compulsory recruitment of smugglers as well, but they also made liable for general impressment other specified types of felon, namely vagrants and those that had deserted their families leaving them chargeable on the parish. No figures exist for the men pressed under the 1778 Act but by

³² Anthony Babington, *The English Bastille – A History of Newgate Gaol and Prison Conditions in Britain 1188-1902* (London, 1971), p.100.

³³ 17 Geo. II, c.5.

³⁴ 16 Geo. III, c.38.

³⁵ For example, 16 Geo. III, c.38 and 18 Geo. III, c.52.

³⁶ 18 Geo. III, c.52.

³⁷ 17 Geo. III, c.69.

³⁸ Reece, p. 23.

³⁹ 18 Geo. III, c.53; 19 Geo. III, c.10.

October 1779 some 1,463 men had been pressed under the second Act, although only 962 were actually incorporated into the army or marines. In addition to Acts of Parliament, the King's prerogative powers were also used in this respect. Monarchs had been able to pardon certain criminals since the thirteenth century on condition of enlistment for military service. Figures show that some 764 men might have joined the army or marines as a result of royal pardons in England and Wales between 1775 and 1780.⁴⁰

Military officers frequently went to the places of confinement and obtained conditional pardons for convicts who were willing to join the military. This assisted recruitment. It also helped ease the overcrowding that was beginning to take place in many of the country's prisons and places of confinement since the cessation of transportation. The idea of offering detainees the chance to enlist was first put forward by William Eden in 1771.⁴¹ Between January and May 1776 an average of thirty men per month were given conditional pardons, which included an offer of service in the army or marines.⁴²

It was service of this type that John Barnes was partly seeking with his request for convicts to the 1779 Bunbury Committee. His idea was to use convicts not only in manual labour in the West African region but also as defenders of the forts there. This would enable the more able-bodied military personnel to be used on the American front where they were most needed. The death rate through disease would, in his opinion, be less of a worry for Government if convicted felons were sent, than if it had occurred among those who had volunteered to serve their country. The Bunbury Committee accepted this principle.⁴³

⁴⁰ Stephen R. Conway, 'The Recruitment of Criminals into the British Army, 1775-81' in *Bulletin of the Institute of Historical Research*, 58 (1985) pp. 45-58.

⁴¹ BL Add. MSS 38344, f.162.

⁴² In total 73,310 men enlisted between September 1775 and September 1780, making the enlistment of 764 convicts a little over one per cent. BL Add. MSS 38344, f.162.

⁴³ *JHC*, vol. 37, p.315.

Military operations in West Africa assumed importance in May 1779 when the English captured Goree from the French, having lost their fort at St. Louis on the Senegal River to the French two months earlier. The decision of the Dutch to align themselves with the anti-British powers in December 1780 only increased the problems facing the British Government, and required them to take some form of action if they were to preserve any sort of stronghold in West Africa. They were especially concerned at the potential loss of Cape Coast Castle on the Gold Coast. This was surprising as the English on this coast lived in perpetual difficulties; they could hardly afford to maintain their forts properly, had too few men and were poorly supplied with goods.⁴⁴ However, the Government decided to send out a small squadron and a reinforcement of troops to the Gold Coast, for the protection and defence of the British settlements and the reduction, if possible, of those of the Dutch.⁴⁵ But due to the war in the American colonies there was difficulty in raising the necessary troops to go to defend the region.

Every company trading to West Africa maintained an army against incursions by other nations. The Dutch had about two hundred men, the English, at most, one hundred, and the Danes even fewer. A convention of the time prevailed that the companies operating in West Africa would not openly attack one another unless their home countries were at war. Now those nations had entered into a war, albeit on the far side of the Atlantic. Therefore, two independent Companies of Foot, consisting of three officers and one hundred men each were raised exclusively for service in Africa.⁴⁶ The Companies were to be commanded by Captain Kenneth Mackenzie (78th Foot) and Captain George Katenkamp (1st Foot). They raised their companies largely by recruiting convicts confined in the Savoy Prison⁴⁷ in London, and from those confined in the hulks in the Thames, although

⁴⁴ A. W. Lawrence, *Trade Castles and Forts of West Africa* (London, 1952), p.43.

⁴⁵ J.J. Crooks, *Records relating to the Gold Coast Settlements from 1750-1874* (Dublin, 1923), p.47.

⁴⁶ A full company consisted of 1 captain, 2 lieutenants, 1 ensign, 5 sergeants, 5 corporals, 2 drummers and 100 privates.

⁴⁷ The Savoy Prison, for the confinement of deserters from the Guards regiments, was situated in the Strand. It was pulled down to make way for Waterloo Bridge in 1819.

precise figures are unknown.⁴⁸ The whole idea of using convicts in such a venture was opposed by some MPs and members of the Committee of the Company of Merchants trading to Africa. Richard Camplin, who had given evidence to Bunbury, even stated that the same matter had been debated in the House ten years earlier.⁴⁹ The idea had been condemned at the time.⁵⁰

On 18 April 1781 the Company of Merchants trading to Africa held a Committee meeting as the Treasury had asked them for an assessment of costs for victualling troops to that region. They replied

The Committee of the Company of Merchants trading to Africa humbly apprehend that the Troops intended to be sent to Africa would be victualled with more Advantage to Government and more Satisfaction to the Men, by paying them as the Committee's Soldiers and Servants are paid, which is not by issuing so much Provision per Day, but by paying in lieu thereof, partly Merchandize calculated for the purchase of provisions in the Country, and partly Beef, Pork, Bread, Flour, etc.

And they apprehend the allowance for each private Man cannot be less than One Shilling Sterling per Diem, and for each Officer Five Shillings.⁵¹

This amounted to £13 5s per man per annum, if they survived. Again, this made clear to Government that sending convicts to Africa as pressed troops was infinitely cheaper than maintaining them in prisons or on the hulks.

Mackenzie's orders were to protect the English forts and take any opportunity to harass the Dutch and take possession of their forts. He was to supplement his forces by calling at Goree on the way south, taking as many privates from the 75th Foot stationed there as could be spared. After attacking the Dutch forts he was either to take possession of them, or reinforce the English ones. Having achieved his objective he was to return to England by way of the Leeward Islands. The operation proved to be an unmitigated disaster.

⁴⁸ Oldham, p.72.

⁴⁹ T 29/50, 10 May 1781.

⁵⁰ The question had been raised by Sir George Saville.

⁵¹ Crooks, p.48.

Katenkamp died on the journey south. One of Mackenzie's lieutenants was killed in a duel at Goree, and his opponent immediately sent back to England. The ensign in Mackenzie's company died also. In addition Mackenzie himself was seriously ill soon after his arrival. They did not reach the Gold Coast until February 1782 whereupon they immediately attacked the Dutch forts and were soundly beaten. Thirty-nine troops then deserted to the Dutch. Twenty-eight others, being placed on a captured Ostend vessel put to sea and vanished. Those who remained terrorised the inhabitants of Cape Coast Castle, broke into the stores, took up arms on being challenged, refused to be posted to other forts, and generally were beyond the control of the officers. By March sixty-five had died and twelve were very sick. Some were posted to Cormantyne fort but immediately deserted after breaking all the locks and unhinging all the doors. Some even sold their firearms in exchange for brandy.

Mackenzie, on regaining his health, tried to impose discipline in the most brutal fashion. Wishing to make an example of one of the recalcitrant convict soldiers he 'immediately compelled his associates to secure him and blow'd him from a nine pound gun'.⁵² He maintained, at a later court martial, that this punishment was necessary as the soldier was attempting to assassinate him and it was necessary to make an extreme example of him.⁵³ In fact, former convicts were numerically superior to volunteer soldiers in Mackenzie's company. Speaking at his defence he stated that the greatest part of the company he had raised was drafted into the service by order of the Government and their places filled by convicts, both civil and military, taken out of the Savoy and Newgate prisons, and the Hulks. In July 1782 he maintained that the whole of his assisting officers were convicts.⁵⁴ Mackenzie was convicted of murder and sentenced to execution in December 1784 but

⁵² Crooks, p.71. The murdered man, Murray Mackenzie (no relation) when serving in the Army had been capitally convicted at the Old Bailey, and had been drafted as a convict into the African service. Since that time he had deserted twice and was plotting to murder his captain and surrender the fort to the Dutch.

⁵³ CO 267/7, Captain Mackenzie to Lord George Germain, 1 August 1782.

⁵⁴ CO 267/7 Mackenzie's Petition. At Mackenzie's court martial it was established that the ratio of convicts to volunteers in one fort was 16:5.

he was reprieved by Royal pardon in December 1785.⁵⁵ The two independent Companies of Foot were disbanded on 24 September 1783.⁵⁶

Despite the Mackenzie fiasco the British Government was keen to send more convicts to West Africa. On 25 October 1782 Evan Nepean wrote to the Company of Merchants seeking the Company's views, for the benefit of the Secretary of State, on sending further convicts to the Gold Coast.⁵⁷ Four members of the Committee of the Company then went to see the Home Secretary, Thomas Townshend.⁵⁸ Unfortunately business had taken him away that day but Nepean informed them that a number of convicts had been sentenced to serve in the army, but Government also proposed to send others, including women, to the Gold Coast. They would need to be clothed but Nepean thought that the Company would incur little further expense. The Company were a little alarmed at this idea believing that there was some danger to the convicts from disease, as well as danger to their own settlements if convicts were sent there. The Committee felt that many evils were likely to ensue in consequence of convicts going to Africa, not least alienation of the native traders. When they told Nepean of their fears he informed them that the destination was now set and could not be altered.⁵⁹ The Africa Company were partly to blame for this state of affairs for in January 1781 they had sent a memorial to Lord George Germain, President of the Board of Trade, which said:

From examination and other intelligence received they have reason to think that the British forts and settlements on the Gold Coast of Africa and the trade thereto, will in the event of a Dutch war, be in the most imminent danger without a naval and military force for their protection, and a large supply of goods and merchandize to secure the natives in the interest of the British nation...⁶⁰

⁵⁵ Crooks, pp. 70-73.

⁵⁶ Crooks, p. 69.

⁵⁷ T 70/145, f.153 Nepean to Africa Company, 28, September 1782.

⁵⁸ Created Baron Sydney 6 March 1783.

⁵⁹ T 70/145, ff. 159, Africa Company minutes, 6 Nov. 1782.

⁶⁰ T70/145, Africa Company Committee to Lord George Germain, 3 January 1781.

They had thus told the Government that foreign forces would easily overrun the settlements in West Africa unless troops were sent there.

West Africa was important for the French as well as the British Government. Whoever controlled the region would also control the European gum trade, and possibly the slave trade as well. Since ceding the region to Britain in 1763 the French had sought its return. At the 1783 peace negotiations it was agreed that Senegal with its dependencies and Goree should be restored to France, while England retained possession of the Gambia. In this way Britain would retain a share of the gum trade. The Government then passed control of Gambia to the Company of Merchants later in 1783.⁶¹

This Treaty prompted Sydney to write to the Africa Company in June 1783:

Instructions having been sent to the Commanding Officer at Goree to remove His Majesty's Troops from that Island agreeable to the Preliminary Articles of Peace, and it being intended that the few Soldiers among them, who in consequence of Crimes they have committed have been sentenced to remain upon the Coast of Africa either for a number of Years or during their Natural Lives, shall be taken on board H.M. Ship '*Hyæna*' and carried to Cape Coast Castle. It is His Majesty's desire that you give Orders to your Governor for receiving these Men into your Service, with the few remaining Troops at present under the Command of Captain Mackenzie.⁶²

If the intention of Government had been to remove convicts from the gaols of England why did they not send more to West Africa? By sending some convicts to serve in the military in West Africa Sydney knew that some would die. But at that time, which was also a time of war, it was to be expected that this would happen. That death would result, in whatever fashion, was really of little concern to Government; in war, death happens. Could it be that the protests of the Company of Merchants were at last being

⁶¹ Eveline Martin, *The British West African Settlements* (London, 1927), pp. 100-101.

⁶² Crooks, p.72.

heard? This was unlikely as in 1784 more convicts were sent to the Gold Coast, although in total this was fewer than 100. The Governor of the Gold Coast, Richard Miles, was eventually forced to write to the Secretary of State acknowledging receipt of convicts in 1784, but requesting that only convicts who had a useful trade, like bricklayers, carpenters or any other tradesmen, be sent out.⁶³ Otherwise the only use to which they could be put was as soldiers, a situation the Company now felt was highly unsatisfactory.

However, the small number of convicts sent to West Africa should not be seen as indicating a failure of government policy. It was more an experiment, using labour that could be readily sacrificed while supporting a British settlement in a distant land. The Government felt that once a person was convicted it then held the right to that person, using him or her in whatever way it saw fit at the time. Since 1775 that had been in two principal ways: from the hulks in government work on the Thames; and, in the military to fight in far off fields. The American war had made the latter way a priority.

However, transportation still remained an important element in colonisation. The French in Louisiana and the Portuguese in Brazil had also used convicts. Any settlement abroad, if native industry was not used, required an influx of labour as well as large investments of capital. Failing an unusual impulse to emigration, such as produced the Puritan and Quaker communities of the American colonies in the seventeenth century, a new colony was doomed to failure without men and money. The difficulty that Britain experienced in the American colonies was over the later development of that policy, where eventually the new settlement became self supporting, and turned against the hand that fed it, by denying entry to any further convict labour. The British Government was soon to be given another opportunity to find out if that remained the principle, in British North America with the American Loyalists. In the meantime the question remained over what could be done with the convicts.

⁶³ T70/33, 9 July 1785.

Perhaps the Administration hoped that the war with the American colonies would only be a blip for the penal policy; that transportation to that region would resume as the soon as the war ended. If that was their thinking they were seriously mistaken. The gaols and houses of correction around the country, as well as the hulks, were filling up. Nowhere in the country was there space for further felons. Prisoners held in gaol in England and Wales in 1779 totalled 4,379, of whom 526 were held in the hulks.⁶⁴ At the time of their Africa experiment the government wanted to ensure that one of the recommendations of the 1779 Bunbury Committee, building two new prisons, was also put into effect. But constitutional objections about government involvement in prison management, fears about returning inmates to a law-abiding society, and disagreements over building costs all helped to scupper any hope of the new prisons being built.

In July 1782 Government had received estimates for the cost of building the new penitentiary houses. In the case of a male prison for 600 inmates the estimated cost was £149,982, and the estimate for the female prison for 300 inmates was £60,370. This was exclusive of the cost of any land. However, even these costs were approximate as the builders, not knowing precisely where the prisons were to be built, could only estimate such things as the depth of the foundations.⁶⁵ Unfortunately the three supervisors who were appointed to take charge of the building of the new prisons could not even agree upon a site. Howard and his friend Fothergill favoured Islington; Whately, the other supervisor, Limehouse. Their disagreement went to the High Court for resolution, and three new supervisors were appointed – Sir Gilbert Elliot, Sir Charles Bunbury and Thomas Bowdler. They quickly found suitable sites at Battersea Rise for the female prison and Wandsworth Fields for the male, and held a competition for the design of the new prisons.⁶⁶ The Lord Chancellor approved the Battersea site for both prisons. But the delay in the building programme

⁶⁴ Howard, *Prisons*, (Everyman) p.281. The figure of 4379 included 2078 debtors and 917 petty offenders who would not necessarily have been the subject of a transportation sentence. This was 68 per cent of those incarcerated.

⁶⁵ Sheila Lambert, *House of Commons Sessional Papers of the Eighteenth Century*, Vol. 49, pp.1-4.

⁶⁶ McConville, pp. 107-9. The competition was won by a friend of Howard, William Blackburn.

meant that the number of prisoners incarcerated by 1782 had risen to 4,439 of whom only 204 were held in the hulks.⁶⁷ Lower estimates of the cost of building the new prisons were submitted, £30,165 for the male, and £14,900 for the female prison. This would have raised serious doubts in the minds of the Treasury, who were mindful of what had taken place in Dublin. There, a new prison had been completed in 1780 at a total cost of £18,000. However, within months it was found the walls were poorly built and capable of being breached from within. A further £1,000 was required for repairs and by 1787 costs had risen to £27,000 overall.⁶⁸ The Treasury refused the new application for funds to begin building the London prison in September 1782, stating that 'new measures were about to taken with respect to felons which made the hastening of the penitentiary houses less necessary'.⁶⁹ This was transportation again, although it was to fail disastrously, as we shall shortly see. Another committee of enquiry, again chaired by Bunbury, to review the 1779 Penitentiary Act reported that on the revised estimates the whole work of building the prisons would take five years at an annual cost of £40,000. Although the Act was extended⁷⁰ for another three years the government had really lost interest.

However, some counties did take notice of Howard's examinations and built small penitentiaries adjacent to, or in place of, their gaols and houses of correction. The first of these, at Horsham and Petworth in Sussex, were begun by the Duke of Richmond, one of the leading and wealthiest noblemen of the country. The new gaol at Horsham with twenty-five cells was erected at a cost of £3,560 in 1775. Fees were abolished and the keeper, his turnkeys and a chaplain were all placed on salaries. An 'inspector' was also appointed to oversee the gaol. The new gaol at Petworth was modelled on similar lines and completed in 1782. In Middlesex a new house of correction

⁶⁷ Howard, (*Everyman*) p. 282. Again the figure of 4439 included 2197 debtors and 1017 petty offenders, or 72 per cent of the total incarcerated. For various reasons the number of convicts in the hulks fluctuated over time rising to about 510 in 1780, then declining to about 180 by the end of 1783, after which there was a rapid increase. See also Alan Frost, *Botany Bay Mirages* (Melbourne, 1994), especially ch.1.

⁶⁸ Reece, pp. 47-8.

⁶⁹ O'Brien, op. cit., pp.106 and 114-15.

⁷⁰ 24 Geo. III, c. 56.

was built at Coldbath Fields in Clerkenwell; in Dorset, William Morton Pitt persuaded the local bench to build a new gaol at Dorchester and put the inmates to use working for a local hat manufacturer. Thomas Beavor converted the Wymondham bridewell in Norfolk to the new principles of gaol procedure in Norfolk in 1785. Thomas Butterworth Bayley supervised the construction of the New Bayley prison at Salford in 1787. In Liverpool, a John Aiken noted that a new gaol, a new lunatic asylum, and a new bridewell had all been built since 1776. In Gloucester Sir George Onisiphorous Paul, a wealthy clothier, oversaw the erection of five new houses of correction and a new county gaol, which in 1792 had cost the county £46,000. The costs for the new buildings incorporated not only their construction, but also the salaries of the staff, and purchase of food, bedding and clothing for the prisoners. Previously, the upkeep had been borne by the prisoners themselves. When the magistrates sought to shift this burden to the county they found that the local taxpayers blocked any measures for their reform. Very few counties or boroughs were prepared to assign the amount of money required for a prison-building programme; transportation was considered cheaper and had the advantage of permanently removing the offender from local society.⁷¹

The Administration continued to try to do so. Lord North, who had now become the Home Secretary in the coalition government, asked George Moore, a London merchant, to take 150 convicts to the American colonies, an idea supported by George III.⁷² The convicts chosen for this voyage were those whose sentence had originally been 'transportation to America'. Moore was promised £500 for the trip plus whatever proceeds he could make from the sale of his cargo in America.⁷³ Campbell was ordered to give up fifty-six felons to Moore from those on the hulks; the remainder were to be taken from Newgate. Moore left in August 1783 with 143 felons on board the *Swift*. His destination was supposed to be the American colonies, but he later gave evidence that he intended to get rid of them at the first port he came to,

⁷¹ Ignatieff, pp. 96-100; McConville, ch. 4.

⁷² J. Fortescue, ed., *Correspondence of George III*, 6 vols (London, 1967), vi, nos. 4413-4, 4419-20, 12 and 18 July 1783.

⁷³ SP 44/330 f.313, North to Lords Treasury, 5 Nov. 1783.

probably in Nova Scotia.⁷⁴ The Governor of that colony had been given orders to accept the convicts and to use them in the manner previously employed.⁷⁵ In the event the operation turned out to be another fiasco. Shortly after leaving England a mutiny took place on board. The ship was taken over by the convicts who ran it aground at Rye in Sussex and forty-eight convicts escaped. Most were recaptured, eight were hanged and the remainder returned to the hulks. The *Swift* continued her voyage nevertheless and the remaining convicts on board were eventually landed at Baltimore in Maryland.⁷⁶

It is highly unlikely that the convicts would have been accepted in Nova Scotia, notwithstanding North's directions to the Governor. For Governor Parr was more concerned with the settlement of about 30,000 American Loyalists, which had been proceeding since autumn 1782. Nova Scotia had been fixed upon as the best place of refuge for the Loyalists, for it had an abundance of good land, and its climate was not dissimilar to New England's. However, Parr was an elderly army officer of limited ability and the task required far more zeal and energy than he possessed.⁷⁷ A forward party was sent by Sir Guy Carleton from New York to ascertain the land available. It found that of the twenty-six million acres that made up Nova Scotia, only 5,416,849 acres had been granted already.⁷⁸ But two-fifths of the remaining was estimated to be unfit for cultivation. Whilst that appeared to leave a fairly large amount of land for distribution, it was either of little use, difficult to get to, or lacked sufficient water supplies. The land decided upon for settlement was a dense wilderness, covered with cedar trees and bushes. Masses of barren rock were interspersed with swamps and there seemed to be no good soil anywhere.⁷⁹ The government would have to assist. Loyalists who did go there were to be provided with grants of land, provisions for one year, allowances of warm clothing, farming implements, medicine, window glass,

⁷⁴ David Mackay, *A Place of Exile* (Oxford, 1985), p.40.

⁷⁵ CO 218/25, f.430, North to Governor Parr, 12 Aug. 1783.

⁷⁶ Mollie Gillen, 'The Botany Bay Decision, 1786: convicts, not empire' *EHR*, vol.97 (1982) pp. 740-66.

⁷⁷ James Hannay, *History of New Brunswick* (New Brunswick, 1909), pp.125-45.

⁷⁸ *Ibid.*

⁷⁹ *Ibid.*

nails and other articles to enable them to build their homes, and also arms and ammunition.⁸⁰ By the end of 1783 it was estimated that nearly 30,000 Loyalists had arrived,⁸¹ including 3,396 persons belonging to British American Regiments not disbanded, as well as a further 384 men who had been discharged.⁸² Some of this vast number would eventually move on to Prince Edward Island, Cape Breton and New Brunswick.⁸³ Unfortunately, Britain had been unable to gain any compensation from the American colonies for the massive displacement and resettlement and therefore had to find the funds from within its own budget. In the autumn of 1782 the sums issued by the Treasury amounted to an annual amount of £40,280 distributed amongst 315 persons, being payments for particular or extraordinary loss of services. Shelburne's administration reduced that amount to £25,800, but added another £17,445 in June 1783. By 1790 over three million pounds had been granted to the Loyalists in British North America.⁸⁴

There was, then, already in existence at Nova Scotia, a settlement on the lines to be adopted later for New South Wales, albeit without a convict element. That is, it was a settlement under a form of military discipline, on land previously uncultivated, in a region relatively unexplored, with assistance in the form of tools, livestock, seeds, and other necessities. It was up to the settlers to make it work.

The British Government now sought to send more convicts to the American coast, again to find out whether matters could be continued as they were before the American War. Moore was willing to undertake their transportation, provided the Government gave him a contract for ten years

⁸⁰ Ibid.

⁸¹ It has been argued that precise numbers are difficult to define due to an uncertain definition of Loyalist. For example, did it include blacks and Indians? Was there a distinction between a discharged soldier and a dispossessed plantation owner? What is certain is that the numbers far outweighed the resident population. Peter Marshall, 'British North America, 1760-1815' in *The Oxford History of the British Empire – The Eighteenth Century* (London, 1998), pp. 371-93.

⁸² Ibid.

⁸³ Helen I. Cowan, *British Emigration to British North America 1783-1837* (Toronto, 1928), pp. 3-19.

⁸⁴ C.P. Lucas, *A History of Canada 1763-1812* (Oxford, 1909), ch. 4.

and was willing to pay ten guineas for each convict who boarded his ships.⁸⁵ It was the uncertainty of the reception he would receive that caused him to raise the bounty, but he would accept half that amount if Government could give guarantees of their reception. It seems it did for on 12 April 1784 Sydney wrote to the Treasury recommending payment of five guineas per head for 185 convicts and it seems Moore accepted the offer.⁸⁶

Again, the voyage turned into a fiasco. The *Mercury* set sail in April 1784 carrying 179 convicts. This time it only managed to reach the Devon coast before the convicts seized the ship and ran it into Torbay harbour, where many escaped. Eventually, the ship proceeded with a reduced number of convicts, but was refused permission to land in any of the American colonies. The *Mercury* made its way to British Honduras but Moore had no authority to land the convicts there. Honduras was really a port of last resort for Moore for legally it still belonged to Spain, although there was an agreement for a small number of British logwood cutters to work there. The British Government had had a long and bruising battle with the Spanish, after the American War, to retain their small right to cut logwood in Honduras, but had few further rights in the region. Any further incursion by the British there was highly likely to be met with extreme hostility.⁸⁷

Nevertheless, the convicts were landed although by now there were only 86 of the original number. The very few British settlers in the region were unable to own or cultivate land, and were forbidden to buy any convict labour. Further it was unlikely that there would have been any call for such labour anyway. It is doubtful as well whether convicts would have been capable of the arduous task of tree felling in a hot and humid climate where, like West Africa, disease was rife and life expectancy short. Moore's contractors were detained and ordered to remove the convicts. In the event Moore had no authority to sell convicts in this region. Campbell's warrant ordering him to deliver 50 convicts to Moore on 26 March 1784 stated that they were to be

⁸⁵ HO 42/5, ff. 499-500.

⁸⁶ HO 36/4, Sydney to Treasury, 12 April 1784, cited in Oldham, op. cit., pp. 86-7.

⁸⁷ Oldham, pp. 88-92.

conveyed to North America. Sydney's letter to the Treasury stated America, although no great weight ought to be attached to this slight disparity. After protracted legal arguments in the settlement the convicts were removed but where they were eventually taken is not known.⁸⁸

Unfortunately, Sydney did not wish to acknowledge this debacle and attempted, through Moore again, to send a further twenty-nine convicts in September 1785.⁸⁹ This time his Secretary, Nepean, sent a letter to the Lieutenant Governor of British Honduras, Lieutenant Colonel Edward Despard, in which he implored the settlers to help, 'The number of convicts with which the gaols all over England, at present, swarm, is a real distress to Government; and it is surely the duty of every subject to contribute his share in alleviating the burthens of State, in which I trust the British subjects of Honduras, will, at all times...appear behindhand to none.'⁹⁰ Moore was just as unsuccessful as before and in January 1786 the *Fair American* had to leave still carrying her cargo of convicts.⁹¹

Honduras, like Nova Scotia was, therefore, out of the question for setting up a penal colony. There was little hope of doing so in the future either, for the terms of the settlement with Spain negated any possibility of a fortified settlement in the region, and neither was Britain allowed to establish any plantations or factories. The cultivation of land by any settler was also strictly prohibited.⁹² As Nepean's letter to Despard had been a request, not an order, there was little that the Home Administration could do to counter this opposition, short of sending a naval force to implement the Government's wishes. This they were not prepared to do.

⁸⁸ Oldham, loc. cit.

⁸⁹ To a certain extent Sydney was right, for the logwood cutters in the region were nothing more than slave gangs set up in temporary camps. They had been operating in the region since the Treaty of Madrid in 1670 and then by later negotiations. The opportunity to use convicts in this trade, especially in view of the risks involved, seemed eminently sensible to Sydney.

⁹⁰ HO 13/3, f.214, Nepean to Despard, 15 Sept. 1785.

⁹¹ Oldham, p. 93-4.

⁹² Ged Martin, 'The alternatives to Botany Bay' in *The Founding of Australia* (Sydney, 1978), p.159; Margaret Steven, *Trade, Tactics and Territory* (Melbourne, 1983), pp.32-3; Oldham, p.89.

The essential element of Moore's plans was that convicts should be taken to British North America. Nova Scotia was out of the question, but perhaps Newfoundland was a possibility. Newfoundland was felt to be indispensable to both the French and British Governments, not as a province *per se*, but as the training ground for seamen. Fishing on the Great Banks southeast of the island, supplied both countries with seamen for their naval fleets in time of war. There was a mercantile angle as well. The opportunity to sell the fish caught, whether fresh or dried, was also a consideration. The French actively sought a foothold in the region, which could be fortified and serve as a naval base capable of admitting warships if required. Prior to these negotiations in 1783 Newfoundland, by common agreement, could only have inhabitants living on it during the summer months. It was neither a colony nor a plantation. It was considered a fishery only, although during the 1780s the resident population slowly increased. Could it be used as an area for transportation of convicts?

While Newfoundland in some ways was ideal for the Government to send convicts to, in other ways it would be a great risk, not least because of the number of ships, British and foreign, that called at the island thereby giving many opportunities for convicts to escape. Newfoundland also had very poor soil making any form of agriculture difficult. The fishermen who stayed on the island invariably brought their supplies with them, or bought them from the ships that called there. A supply route had also been developed to the American colonies, which continued after the American War. The climate, in its own way, was also a major factor against establishing a convict settlement there. Extremely cold in winter, it presented a harshness in every way equal, though opposite in nature, to the jungles of West Africa.⁹³

For similar reasons other regions in British North America, namely, Cape Breton, Quebec and Prince Edward Island, were also not considered. The land was either too infertile, or the threat from the French was considered too real. In any case the area was having enough difficulty

⁹³ Ged Martin, *op. cit.*

rehabilitating the thousands of American Loyalists flocking there. Certainly at Cape Breton the Government was assisting these new immigrants with provisions for three years, clothing for themselves and their families, lumber and materials for buildings, and tools and implements for clearing the forests.⁹⁴ Apart from the Moore episodes there is no evidence to suggest that England was thinking of sending convicts to British North America between the second Bunbury report of 1779 and the later enquiry into transportation in 1785. For in 1785 Nepean told a Commons Committee that 'there had been strong representations made against it from Nova Scotia; that he believes there are very few settlers in Cape Breton, and that he has heard of no plan for sending them to Canada'.⁹⁵ This was clearly because the Government was too concerned with the demands of the French in that region during the peace negotiations after the American War.

So where else could convicts be sent? Another possibility was the British West Indies. The West Indies had long been viewed in Britain as a commercial success, with a warm climate and a fertile soil, conducive to the many plantations in that region. The West Indies consists of four large islands, Cuba, Hispaniola, Jamaica and Puerto Rico, and thousands of smaller islands that stretch for over 2,000 miles, like a group of sentinels, across the sea route between Spain and her richest American colonies, Mexico and Peru. The winds and currents in the region had a profound effect both on naval strategy and on the direction of commerce. Lying due west of Africa with very close ties to America, north, central and south, their strategic value to the mother country was considerable. The Spanish, French, Dutch and British owned the different islands, at various times. Between 1778 and 1784 the West Indies were to be the subject of many incursions, occupations, and naval battles. The main British colonies comprised Barbados, the Leeward Islands (Antigua, St Kitts, Nevis, Montserrat), and Jamaica, which were all seventeenth century acquisitions. There were also minor British outposts on the Bahamas and Virgin Islands. After the Seven Years War

⁹⁴ Richard Brown, *A History of the Island of Cape Breton* (London, 1869), p.392.

⁹⁵ *JHC*, 40, pp. 1161-5, Nepean to Beauchamp Committee, 7 May 1785.

Britain gained Dominica, St Vincent, Grenada and Tobago (the 'Ceded Islands') from the French.

However, the American War put Britain on the defensive in the region. Between 1778 and 1782 all the Ceded Islands and all the Leeward Islands, except Antigua, fell to France, though by 1784 she was only able to retain Tobago. What the conflicts confirmed was that the British West Indies were highly vulnerable when command of the sea in the region was lost. That vulnerability was enhanced by the fact that most of the plantations had absentee property owners, relying instead on estate management by hired men who were often believed to be incompetent, negligent or corrupt.⁹⁶ A number of these property owners became MPs in England but only really joined forces when a question relating to the West Indies came up for debate in the House. In general they preferred to take an independent line in politics.⁹⁷ Overall they did not possess enough political clout to influence major policy matters.

The distant ownership also had a slight knock-on effect on trade. Between 1772-3 and 1789-90 Britain's imports from the West Indies dropped from 23 per cent to 21 per cent of overall imports, while her exports remained roughly the same over the same period at 12 per cent.⁹⁸ What did not seem to be affected during this crucial period was the import of African slaves into the region. It is difficult ascertain the numbers of slaves imported, but figures for Jamaica show that during the three ten year periods, 1761-70, 1771-80, and 1781-90 slave imports to Jamaica increased from 71,807 to 82,685 and then to 87,113. This showed a significant increase each decade. White convicts had been used in the West Indies since the end of the Civil War in England, primarily as servants to the plantation owners, but eventually black

⁹⁶ J.R. Ward, 'The British West Indies in the Age of Abolition, 1748-1815' in *The Oxford History of the British Empire – The Eighteenth Century* (Oxford, 1998), pp. 415-39.

⁹⁷ Sir Lewis Namier and John Brooke, *The History of Parliament: The House of Commons, 1754-90* (London, 1964), pp. 156-8.

⁹⁸ B.R. Mitchell and Phyllis Deane, *Abstract of British Historical Statistics* (Cambridge, 1962), p.312.

slaves from West Africa who were cheaper and more plentiful replaced them.⁹⁹

These slaves were spread over all the islands in the West Indies, no matter which was the mother country. They outnumbered the whites by about ten to one in the 1780s, and were now being trained as craftsmen to ensure the equipment for processing the sugar cane was kept fully working. White men became confined to supervisory functions and any influx of labour would have seriously distorted the *status quo*. Furthermore, by the 1780s, on most of the islands there was now a balance between male and female slaves, and as even a hint of whiteness would preclude any black person from field work cutting and harvesting the cane, an influx of more white males would lead to more mixed race individuals, and in due course, more unemployment. In addition, white men outnumbered the white women by two to one in Jamaica at this time, and by even wider margins in the Ceded Islands.¹⁰⁰ Should convicts be sent to the West Indies, the potential for disaster was obvious; most islands could not afford an influx of white convicts. In 1778 Duncan Campbell had reported to the first Bunbury enquiry 'that in the West Indies there is a law to prohibit the taking of transported felons – that they are obliged to keep a proportion of whites to the blacks, and the convicts are not considered among the whites'.¹⁰¹ It therefore begs the question why anyone would think that convicts could be sent to the region? Clearly the Government did not think so.

In the Atlantic there were three further possibilities for places where the Government could transport convicts, namely, the Falkland Islands, St Helena and Tristan da Cunha. The latter two islands, while strategically important for shipping making its way to India, were too small to enable any form of convict colony to be established. At Tristan da Cunha a settlement had twice been contemplated, once as a whaling station and on another

⁹⁹ Sir Alan Burns, *History of the British West Indies* (London, 1954), p.215-7. Burns also quotes Bacon, see note 6 supra, a point that was to be echoed after the decision to colonise Botany Bay.

¹⁰⁰ Ward, p.433.

¹⁰¹ JHC, vol.36, p.928.

occasion as an entrepôt for the sale of Indian textiles into South America. Nothing had come of either suggestion.¹⁰² St Helena, although a port of call for refreshment of ships on the Indian journey, as well as a rendezvous for naval escorts for the homeward bound East Indiamen, was unable to sustain its home population. Both the resident garrison and ships that constantly called were supplied from the Cape of Good Hope, a Dutch colony at this time. Should the Cape fall to another country, for example France, then St Helena would be unable to supply the British squadrons and would be susceptible to attack itself.¹⁰³ The Falkland Islands had only comparatively recently been abandoned in May 1774, due to Spanish hostility to British occupation; they were not really suitable for prolonged habitation, and they did not lie on any regular sea route. In addition, while both the American War and the subsequent peace negotiations were taking place, the Government would not contemplate sending convicts to the Falklands.

Nearer to home consideration was given to both Gibraltar¹⁰⁴ and Minorca. Gibraltar was seen as a vital element in the peace negotiations with Spain, but Spain required the support of France to lend weight to its demands. By 1782 the British had nearly completed the defensive fortifications of Gibraltar, and it was being discussed by the Shelburne Government as a potential swap for various territories in both North America and the West Indies. It had been under siege from 1779 to 1782. Now that the work was done there was little opportunity to employ convicts usefully at this fortress. While the Government had been prepared to exchange Gibraltar, an expensive fortress, for commercial and strategic assets in the Caribbean, popular outcry had prevented it, despite the advice of professional naval opinion. In 1783 Commodore Sir Roger Curtis had described Gibraltar as 'the Golden Image of English Idolatry'.¹⁰⁵ In itself, Gibraltar was an important naval base, dividing the French and Spanish fleets, between the Mediterranean and Atlantic, but it was difficult for

¹⁰² Harlow, II, p.579.

¹⁰³ Harlow, I, p.107.

¹⁰⁴ Recommended by Sir John Irwin, MP, to the Bunbury committee in 1779, *JHC*, vol.37, p.314.

¹⁰⁵ Shelburne MSS., vol.87, Sir Roger Curtis to Evan Nepean, 2 February 1783.

merchant fleets to enter the port there, and it had negligible supplies for the repair of the ships of the fleet. Minorca was viewed in a similar light and in North's government it had been considered as a bargaining tool with the Russians.¹⁰⁶ It was extremely unlikely that the various administrations would consider sending convicts to either place during this period. That only left India, which will be dealt with in a later chapter, New South Wales or some area of the world yet to be taken by the British. In 1784 the lack of a place to send convicts caused Lord Sydney to write in exasperation, 'The more I consider the matter the greater difficulty I see in disposing of these people in any other place in the possession of His Majesty's Subjects'.¹⁰⁷ It was to be only a short while before yet another Parliamentary Committee would be asked to consider the matter.

Sydney was being too harsh with himself; the problem was deeper than he admitted. Transportation was not just a matter of 'dumping' convicts in some distant place. That would not be cost-effective, and whatever else interested Government, keeping expenses to a minimum was certainly a priority. Therefore, there was a desire to use the convicts in some way that would both assist their reformation and rehabilitation and at the same time benefit Government. Putting convicts purely to hard labour was not considered viable. The transportation policies that had been applied over the previous two centuries were not simply mechanisms for disposing of convicts; there were other reasons. A workforce that was closely supervised, unable to abscond, and unlikely to return to their home country until their sentences had expired, was considered a benefit not only to the respective colony but also to the merchants and entrepreneurs at home. Transportation was the means of getting that workforce to that place. It was also an opportunity to watch a small settlement grow into something much more viable and economical, and with that economic growth would come fleets

¹⁰⁶ G.C. Bolton, 'The Hollow Conqueror; flax and the foundation of Australia' in *AEHR*, vol.8, (1968), pp.3-16. The Russians wanted a Mediterranean outlet for their supplies as well as a summer route for their fleets.

¹⁰⁷ CO 137/84, Sydney to Clarke, 5 October 1784. Lord Sydney was in fact writing to Governor Clarke of Jamaica about the possibility of sending convicts to Honduras, but was clearly concerned that he could not find a place to send convicts where they could be gainfully employed at hard labour.

from other nations, both mercantile and military. Goods could be exchanged and intelligence gathered that would be a benefit to the mother country. That had been the case both in the West Indies and the American colonies and, despite the American War, had produced colonies that were fertile and productive. Could it happen again?

Chapter 5 Commercial Interests and the Atlantic solution

When the Pitt government gained a majority in the House of Commons in March 1784 it inherited a number of people problems that had been developing over the previous nine years and had not been dealt with by previous administrations. They were threefold: the first related to a growing prison population in institutions inherently unsuitable for the increase; the second related to the dispossessed American Loyalists and how they should be rewarded for that loyalty;¹ and the third related to the Black Poor, who comprised a mixture of some of each of the first two, as well as a large number of vagrants and beggars. Over the next five years merchants and entrepreneurs sought to capitalise on each of these problems and put forward various proposals for the government to consider. Each of these aspects needs to be considered when discussing the Government decision to found a colony in Australia because each, in its own way, contributed to the final decision. But before Australia was considered West Africa would come back into the picture.

It has already been shown that there was a reluctance to deal with convicts by way of a government-funded prison-building programme. The likelihood of riot and breakout, and the general spread of disease from within the prison walls to the local population were very real fears that had been brought to general public attention by John Howard.² Unless gaol conditions were radically improved, he maintained, disease would remain rife and undoubtedly spread outside the prison walls. The 1779 Act³ was due to expire in mid 1784, by which time many petitions had been received at the Home Office⁴ regarding the general overcrowding of gaols across the country. Petitions from Winchester, Ilchester, Stafford, Maidstone, Reading, Portsmouth and Worcester, to name but a few, sought the removal of prisoners under sentence of transportation. Overall twenty-nine different

¹ See pp. 116-7 *supra*.

² John Howard, *The State of the Prisons* (London, 1777-84).

³ 19 Geo. III, c.74 to explain and amend the laws relating to transportation and imprisonment and authorising construction of two penitentiaries.

⁴ The many petitions are contained in the Public Record Office, HO 42 series.

authorities expressed concerns to the Home Office. They raised the serious concerns of the local population, as well as the justices, sheriffs, magistrates and judges, over the increase in gaol fever.

The Hulks Act, North's temporary solution to the convict problem, had been enacted at the end of May 1776, for a period of two years, extended for a further year in May 1778, and then given a further five year extension in May 1779.⁵ It was due to expire on 1 June 1784. That original Act provided for the punishment by hard labour of certain offenders who may have been subject to transportation, and the preamble to the 1779 Act stated that 'When any person is convicted, in England or Wales, of any crime punishable by transportation to America, the court may order him to be transported to any *Parts beyond the Seas, either in America, or elsewhere*.'⁶ The difficulty that was being experienced by the Courts was that no one had specified what 'elsewhere' meant, and Government was running out of options. Also in 1779, after the second Bunbury committee deliberations, an Act had been passed to ease the growing convict problem by enabling two penitentiaries to be built.⁷ But the building work had not been undertaken and that second Act was also due to expire on 1 June 1784.

In March 1784 the Commons again debated transportation. Provision was now made for judges, or three justices, to order transportation for certain offences, but again the destination was not named, thus leaving the judiciary in still further confusion. All that was specified was that Africa was out of bounds to those who previously had been under sentence of transportation, otherwise judges could send convicts to any of the King's Dominions. Pepper Arden, the Attorney General, had told the Commons that it had not been possible to cite a place as none had been agreed. William Hussey, MP for Salisbury, then stated that New Zealand, a lately discovered island in the South Seas, might fulfil such a function. His view was ignored.⁸ Parliament again fudged the issue, probably because Pitt wanted to call a general

⁵ 16 Geo. III, c.43; 18 Geo. III, c.62; and, 19 Geo. III, c.54.

⁶ My italics.

⁷ 19 Geo. III, c.74.

⁸ *PH*, 24, cols 755-7.

election the following day and urgent action was required if convicts were not to be set free. Government therefore granted temporary extensions to both the Hulks and Penitentiary Acts.⁹ For the hulks the extension was for one further year, while the Administration was given three further years to erect the penitentiaries.

After the election, which saw Pitt returned with a greatly increased majority, the Attorney General, Pepper Arden had caused a letter to be written to Sydney. In that letter was a request for Pitt to bring in a new Transportation Bill as Arden believed that if a Bill was promoted by the Commons it was less likely to suffer interference. A draft of such a Bill was also passed to Sydney.¹⁰ Pitt agreed and on 28 July 1784, just four weeks prior to the end of that session of Parliament, 'begged leave to call the attention of the House to a matter of considerable importance.' He went on to state, 'that in every part of the country, complaints were made of the insufficiency of gaols. That the culprits were increasing daily; and if government did not take proper steps to remedy the defects complained of, by transporting the convicts to some part of His Majesty's dominions, the consequences would be truly alarming.' He begged leave to bring in a Bill to amend a former law relative to criminals.¹¹

William Eden replied that the proper place for confinement of prisoners was in penitentiary houses, and that if some means were not found of remedying the present situation then 'it would be much better for government to order the convicts to be put into a sack and thrown into the sea.' The Attorney General responded that it was not in the power of government to make such amendments in the laws, and that even Duncan Campbell, the overseer of the hulks, was having difficulty fulfilling his obligations. Edmund Burke then said that Arden should have used African or West Indian merchants rather than Campbell, as their frequent voyages to different parts of the globe had given them at least knowledge of the transportation

⁹ 24 Geo. III, sess. 1, c.12.

¹⁰ HO 42/5, f.46, Selwyn to [Sydney?], 21 July 1784.

¹¹ Stockdale, *Parliamentary Debates*, 1st series 17 volumes, 2nd series, 19 volumes (London, 1785), series 2, vol. 3, p.324.

business.¹² Despite this lively debate the Attorney General was given leave by the House to bring in a Bill to amend the current laws relating to the hulks and transportation.

That Bill, enacted in August 1784,¹³ discontinued the sentence of hard labour on rivers and harbours, and provided for the King, in council, to specify what place beyond the seas a convict might be sent. These places could be either within or without the King's dominions. This provision was viewed uneasily by certain members of Parliament who saw it as a means of getting round Parliamentary approval for setting the location for transports. Certainly one member seems to have objected, namely Lord Beauchamp, for Pepper Arden now saw the need to send him a memorandum that showed that such a law had existed previously in England from Elizabethan times to the passing of the 1718 Act.¹⁴ The new Act, re-establishing transportation, also continued the practice of vesting ownership of the convicts in any merchant contracting with the government to transport them, and gave authority to two Justices in any county to contract for transportation of offenders. It also removed the uncertainty of the temporary Act in March where courts could set the place of transportation. It was in effect a return to the 1718 Act, this time with the King nominating the region for the reception of transported convicts.

But while the Administration and the local authorities prevaricated on the convict problem another crisis, of equal magnitude, was developing. This was the concern expressed by many for the American Loyalists.¹⁵ Since the start of the conflict with the American colonies tens of thousands of civilians, former army officers and men, together with several thousand free blacks and Indians emigrated to British North America. As many as 25,000 settled in Nova Scotia, perhaps as many as 20,000 in Western Quebec. No one has been able to give a precise figure on the number of emigrants, accounts vary

¹² This was a curious comment because Campbell was a trader with over twenty years experience in transporting convicts and other goods to and from the American Colonies.

¹³ 24 Geo. III, sess. 2, c.56 re-establishing the transportation system.

¹⁴ HO 42/6, f.55, Arden to Sydney, August 1784, quoted in Frost, *Convicts*, p.17.

¹⁵ See p.116-7 *supra*.

between 60,000 and 100,000, with disputes over whether free blacks and Indians should be included. What was certain was that the migration caused a great increase in tension between original settlers and the new arrivals. By 1782 the numbers arriving in the area began to outnumber the original population, and eventually led to the formation of the new provinces of New Brunswick, Prince Edward Island, and Cape Breton, and the creation of Upper (Ontario) and Lower (Quebec) Canada by 1791.¹⁶ This diaspora caused economic difficulties on a grand scale, and the effects of the war on money, property, debt, speculation, taxation and trade, caused a number of speculators to propose certain remedies.¹⁷ Not the least of these were suggestions for re-settlement of the Loyalists in other parts of the globe, and hopefully a reduction for government in costs. A number of people saw mercantile opportunities in the Loyalists' difficulties and were eager to capitalise upon them.

One of the first ideas came from Sir George Young. Young was an experienced naval captain who had seen service in the East and West Indies, the American Colonies and West Africa. He had been a Fellow of the Royal Society since February 1781 and was an acquaintance, if not a friend, of Banks.¹⁸ He had connections to the East India Company through his second marriage and previous service in their Marines. Young's plan, submitted some time before July 1783, was for a settlement on Madagascar. While the plan no longer survives Young referred to it briefly ten years later in a letter to a friend, Alexander Davison. It had apparently received the approval of Lord Sandwich,¹⁹ who had 'lamented the East India Company's

¹⁶ James Horn, 'British Diaspora: Emigration from Britain, 1680-1815', p.32; Ian Steele, 'The Anointed, the Appointed, and the Elected: Governance of the British Empire, 1689-1784', p.123; Peter Marshall, 'British North America, 1760-1815', pp. 381-2; all in Peter Marshall, ed., *The Oxford History of the British Empire – The Eighteenth Century* (Oxford, 1998), hereafter Marshall, *The Eighteenth Century*.

¹⁷ John Shy, 'The American Colonies in War and Revolution, 1748-1783' in Marshall, *The Eighteenth Century*, p.323.

¹⁸ Young was nominated for membership of the Royal Society by John Call and Alexander Dalrymple as, 'a Gentleman well versed in several Branches of natural Knowledge'. Royal Society, Certificates, 1778-84, quoted in Alan Frost, *Dreams of a Pacific Empire*, (Sydney, 1980), p. 22.

¹⁹ Sandwich was First Lord of the Admiralty from January 1771 to March 1782.

Charter, which precluded every attempt of the kind.²⁰ Madagascar, in Young's opinion, was able to furnish any settlement with every necessity of life and he denigrated the persistence of the East India Company in applying its charter to overrule the plan. The East India Company Charter gave them a monopoly on all trade eastwards between the Cape of Good Hope and Cape Horn. He was particularly scornful of the fact that outward and homeward bound East Indiamen were not allowed to call there. Young stated that the island was capable of a settlement of convicts, American Loyalists and even French emigrants, which under proper management would be a great commercial advantage to Britain. Whilst favouring Madagascar Young also believed that such a settlement could be built in New South Wales, lately discovered by Cook. He was, therefore, one of the first to recognise that if the Government helped the American Loyalists convicts might be required to assist in that process, presumably supplying the manual labour for their new masters.

An American Loyalist called James Matra picked up Young's ideas. Matra had been one of Cook's crew on the *Endeavour* and had known Joseph Banks on that voyage. In July 1783 Matra wrote to Banks:

Although for many months past, I have been obliged to lead the life of a solitary figure, I have heard a rumour of two plans for a settlement in the South Seas; one of them, for South-Wales, to be immediately under your direction, and in which Lords Sandwich, Mulgrave, Mr Colman, and several others are to be concerned. The other a distinct plan, in which Sir George Young, and Mr Jackson, formerly of the Admiralty, are the Principals.

I have met these stories in several romantick shapes; but secluded as I was from Society, have not been able to get any intelligence to be depended on, except immediately from Sir George Young, who avowed it to an acquaintance of mine, tho' in such cautious, equivocal terms, as barely served to authenticate the fact, without clearing away any of the obscurity it is involved in.

If there be any truth in either of the reports particularly the first, I shall be extremely obliged to you for some information, which I assure you shall never be communicated by me to any

²⁰ CO 201/8, ff. 148-51, Young to Davison, 3 February 1793.

one. I have frequently revolved similar plans in my mind and would prefer embarking in such a scheme to anything much better, than what I am likely to get in this Hemisphere.²¹

Matra had led a varied life since returning from the *Endeavour* voyage. Some time Consul at Tenerife, later Secretary at the Embassy at Constantinople, he had returned to London sometime in 1781 and mixed freely in both political and literary circles. He was known to dine or take breakfast with Banks and was friendly with Evan Nepean, the Under Secretary of the Home Department.²²

Matra sent a proposal to the Home Secretary, Lord North, on 23 August 1783,²³ a month after writing to Banks. In that proposal he outlined Cook's previous discovery of New South Wales and stated that the soil was capable of producing all the crops then being grown in Europe and both the Indies. He described the advantages to Britain of a settlement for both navigation and commerce, 'the place which New South Wales holds on our globe might give it a very commanding influence in the policy of Europe. If a colony from Britain was established in that large tract of country, and if we were at war with Holland or Spain, we might very powerfully annoy either State from our new settlement... This check which New South Wales would be in time of war on both those powers makes it a very important object when we view it in the chart of the world with a political eye.'²⁴ He went on to describe how a settlement might help the development of trade with China, with the North West Coast of America, as well as Japan and Korea, and it might even aid navigation in the Molucca Seas. In a way somewhat similar to Young, what Matra was hoping for was that the Administration would adopt at least that part of his scheme which related to the American Loyalists, 'to whom Great Britain is bound by every tie of honour and gratitude, to protect and support, where they may repair their broken fortunes, and again enjoy

²¹ Add MS 33977, f.206, Matra to Banks, 28 July 1783.

²² Alan Frost, *The Precarious Life of James Mario Matra* (Melbourne, 1995), pp. 97-8 and 134. Where Matra and Nepean first met is not known. It may have been during the eight months Matra spent in New York from March to October 1777 when Nepean was in naval service on that station.

²³ CO 201/1, ff. 57-65, Matra to North, 23 August 1783.

²⁴ *Ibid.*

their former domestick [sic] felicity'.²⁵ The costs he believed would not exceed £3,000, for the equipment, livestock, seeds and other necessities for life. Clearly Matra was setting out a vision for the future for the American Loyalists. His plan made no mention of convicts; indeed he went so far as to mention using the Chinese for menial tasks. Nothing appears to have been done with this proposal.²⁶

On 2 April 1784 Matra wrote again with an amended plan for New South Wales, which was received by the Home Office on 6 April.²⁷ In this version he commenced by recalling a conversation that he had had with Lord Sydney in which he stated 'that New South Wales would be a very proper region for the reception of criminals condemned to transportation'.²⁸ He then gave an extract from the second Bunbury report:

That the plan of establishing a colony, or colonies in some distant part of the Globe, & in new discovered Countries, where the Climate is healthy, & where the means of support are attainable, is equally agreeable to the dictates of Humanity, and sound Policy, and might prove in the result advantageous to Navigation and Commerce. Second Resolution of y^r committee.²⁹

He wrote of the extreme difficulties of sending convicts to West Africa where many would die and pointed out that the lack of any form of transportation was costing the public £20,000 per annum (actually it had never gone beyond £15,500 per year.) He believed that the only way to reform convicts was to take them to some place from which they could not return, provide them with the necessary materials to sustain life, grant them their own land, and encourage them to work for themselves. The result would be that they

²⁵ Ibid.

²⁶ Matra offered frequent ideas to the various Administrations in the early 1780s. In May 1783, for example, he had advised the Portland Administration on the strategic advantages of The Canaries, 'From them, the British might control the "Guinea" trade; merchants might exchange manufactures for the products of the islands; and the nation might maintain a naval force there, "either to cover our Southern Possessions, or attack our enemies".' 'Mustapha' [Matra] to Shelburne, 17 August 1782, Shelburne MSS 152:21 quoted in Frost, *Matra*, pp. 104-5.

²⁷ BL Add. MSS 47568, Matra to Fox, 2 April 1784; identical copy at CO 201/1, ff. 64A-65, dated 6 April 1784.

²⁸ BL Add. MSS 47568, f.246.

²⁹ Ibid.

would survive or die. In the process he believed they would be reformed by their own industry.

Matra was responding to the Government dilemma. On the one hand they were having difficulty dealing with the thousands of American Loyalists, while on the other they were becoming increasingly exasperated by the lack of local action with regard to the convicts. Sir Charles Bunbury had made a successful application to the Commons to extend the 1779 Penitentiary Act because nothing had been accomplished in the previous five years and Parliament was involved in some difficult debates on the finances required to assist the Loyalists. It was logical to Matra to try to combine the two themes.

Matra was also picking up on an idea first mooted in early 1783. Edward Morse, a previous Chief Justice in Senegambia suggested to the government that a convict colony be established on the Gambia River, where they might obtain valuable products. The Secretary of State 'approved my Plan, and adopted it,' Morse recorded. Unfortunately the scheme lapsed when Shelburne's administration fell in February of that year.³⁰ Despite controversy over sending convicts to equatorial Africa Sydney did not appear to lose confidence in this idea as a means of resolving the growing prison crisis.

By March 1784 Pitt had received a much stronger mandate to govern and could now attend to the myriad of matters that had not been dealt with through the political turmoil of the previous two years. The convict problem was one such matter and Pitt wished his Home Secretary, Lord Sydney, to bring it to a speedy conclusion. Yet Pitt did not quite let go of the issue for in May he asked a number of questions of a person knowledgeable in French affairs as to how the French dealt with convicts. The questions included the numbers involved, whether they were engaged in public or private work, whether there were hospital facilities for them, the ratio of guards to convicts,

³⁰ Morse to Pitt, 24 November 1784, PRO 30/8/363 f.76; to Nepean, 27 January and 1 February 1787, HO 42/11, ff. 14, 17.

the salaries of the overseers, whether escape was punished with death.³¹ Meanwhile Sydney sought views that would enable him to deal with transportation, the hulks and the proposed penitentiaries in such a way that these matters could be amalgamated and then laid to rest for the foreseeable future.

One of the next proposals came from Edward Thompson,³² the commodore of the West Africa station. In late July 1784 he endeavoured to interest the Pitt administration in the island of Saõ Tomé, which lies off the West Coast of Africa at the equator. This island had previously been Portuguese owned but they had lost interest in it. The inhabitants consisted mainly of about 15,000 blacks. Corn, coffee, cocoa, sugar, cotton, cinnamon and other fruits and spices grew abundantly there.³³ Thompson stated, '[it would be] the most profitable and advantageous situation [for] the convicts, who might there be useful as Mechanicks & Husbandmen'.³⁴ Thompson was advised to take his proposal to Lord Sydney, the Home Secretary.

Before presenting his proposal to Sydney Thompson altered it. He now proposed that the British swap some lands with the Dutch: Negapatam in the East Indies for Demerara, Berbice and Essequibo in the West Indies. He intimated that a great triangular trade might then develop between these West Indies areas and Newfoundland and Nova Scotia. And where Matra had sought to combine convicts with his Loyalist plan, Thompson now sought to combine Loyalists with his convict plan. For he went on to state that 'they would at once be a most eligible situation for the unfortunate American loyalists - & the properest Asylum for the Convicts'.³⁵

³¹ Michaud, Memorandum on Convicts, 19 May 1784, Rylands R 937 quoted in Frost, *Convicts*, pp. 17-18.

³² Edward Thompson (1738?-1786), was a literary man as well as being employed in the service of the navy. He had a number of poems and plays performed and was a friend of Garrick. He had been to the East Indies in 1754 and served in the navy off Europe, in the Mediterranean, and the West Indies. In January 1782 he was appointed Commodore of the West Africa station.

³³ Frost, *Convicts*, p.18.

³⁴ NMM, Thompson Letterbook, Thompson to Rose, 1 August 1784.

³⁵ Ibid. Thompson to Sydney, 8 August 1784.

Thompson's plan for an Atlantic triangular trade was in direct contrast to the plans submitted by both Young and Matra, both of whom wished to see the empire to the east opened to those who required help after their support in the late war. But during the first half of 1784 it was clear that Sydney was thinking of sending convicts to somewhere in Africa. Matra had alluded to the Roberts plan, submitted to the 1779 Bunbury Committee, where the cost of the convicts in West Africa was reckoned at £15 14s 0d per convict, while keeping them on the hulks cost £26 15s 0d each. What Sydney required was more detail on the state of the settlements in West Africa as well as new costings for 1784.

In the meantime, on 7 August 1784 Matra raised the matter with the leader of the Opposition, Charles James Fox.³⁶ On this occasion he enclosed a map of New South Wales and informed Fox that he would be happy to provide further information. Parliament was now only thirteen days away from recess and there is no record of Fox having done anything with this further proposal. However, hoping that something would be achieved, the Administration extended the Penitentiary Act³⁷ for a further three years and then went into recess until January 1785.

A banker by the name of John Call now entered the arena with a proposal. Call had been the MP for Callington in Cornwall since March 1784 and had seen previous service with the East India Company along the Coromandel Coast and at Fort St. George (Madras) rising to the position of Engineer-General. As well as pursuing a military career, Call had pursued a civil one. By 1768 he had also risen to the position of Accountant-General to the Madras Presidency. When he was twice passed over for the Governorship, he left India in 1770 with a considerable fortune. He then made a commercial marriage to the daughter of Dr William Battie thus cementing his fortune. By 1784 he entered into business with a friend from

³⁶ Add. MS 47568, ff. 240-6, Matra to Fox, 7 August 1784. Fox had been the Foreign Secretary in the previous administration.

³⁷ 24 Geo. III, c. 74.

his India days, John Pybus. Together they formed a merchant banking company in the West of England in which Call was a director.

Call was keen to be involved in merchant adventures that had the potential for great profit. In 1784 Call proposed to the East India Company that two ships should be sent to the North West coast of America to establish the fur trade.³⁸ Although this suggestion was not immediately followed it would be within a few years. Call also suggested to Government that they should send criminals to an establishment either in New South Wales, or in New Zealand, to make a base from which to trade with the Spanish colonies across the Pacific.³⁹ It would appear from these two proposals that Call was really more interested in the commercial opportunities rather than any humanitarian reason.

In his second plan to the Government Call wrote,

It is equally obvious that this Nation cannot regain her lost consequence, or hold any considerable rank among the Kingdoms and States of Europe; but by the pursuits, and from the Effects of an extended commerce. On that foundation only a formidable Navy can be maintained and thereon depends the Reputation and Security of Great Britain, and all its foreign Possessions.⁴⁰

He went on,

The Experience of Ages has shown that every Invention, Discovery or Enterprise for which Nations are most distinguished was originally suggested, and frequently undertaken and perfected by the Perseverance & Exertions of Individuals – and tho' the State may often have encouraged, protected and ultimately extended the Benefit to the Community at large; yet in points of commerce single adventurers, or small associations at great risque, frequent

³⁸ BL Add. MSS 29166, ff. 27-8, Call to Hastings, 3 September 1784.

³⁹ Frost, *Convicts*, p.23.

⁴⁰ HO 42/7, ff. 49-57, Call to (?) undated but probably August 1784. Alan Frost has explained that Call's letter was written before a later letter to Warren Hastings dated 3 September 1784. Alan Frost, 'Historians Handling Documents, Transgressions and Transportable Offences', *Australian Historical Studies*, vol. 25, no. 99 (1992), pp. 192-219.

losses and sometimes ruin have generally by repeated efforts opened the way to great national advantages.⁴¹

Call set out his vision for the future development of commercial trade around the known world. It was his belief that the American trade was dissolved, the East Indies trade was in a declining state, the Mediterranean trade was interrupted and almost annihilated, and the trade with both Africa and the West Indies 'does not promise to be what it has been without a change of measure'. He continued,

There is no object except internal improvement and cultivation of waste land, which a Minister should so much encourage as foreign trade, especially where the exports are chiefly the Manufactures of this Country, and the Imports ready Money or raw materials: The Merchant and Husbandmen are a reciprocal benefit to each other.⁴²

In setting out this groundwork Call was a classic mercantilist. As explained by its most famous critic, the prevailing mercantilist theory was that it was not individual traders who were in competition, but that whole nations were locked in a struggle for control of the world's surplus. By forming trading alliances and monopolies and plundering the wealth of rivals it was possible to increase the actual treasure or bullion, which, along with population, was the measure of a nation's wealth. In such an economic system, the possession of colonies was vital as they could produce not only direct sources, like gold and silver, but also other products, which were valuable to a favourable balance of trade. Colonies were not only valued for their productivity but also as markets for European goods. In addition they might contain products which could be sold to other nations and thus avoid raiding the public purse.⁴³

In his submission to the East India Company Call also gave a résumé of his career and mentioned that he had first had the idea of sending an expedition to the South Seas in 1779 and had raised it with Lord North. He

⁴¹ Ibid.

⁴² Ibid.

⁴³ Adam Smith, *The Wealth of Nations*, 3 vols (London: 1776), pp. 343-400.

described the various advantages to be gained from establishing a colony on the Coast of New South Wales, New Zealand, New Caledonia 'or some other islands nearer the line and more Eastwards'.⁴⁴

Now according to the object which may be in view for making an Establishment, either the Coast of New South Wales, or some other part of New Holland, which on closer examination may be hereafter discovered, cannot fail to make a convenient situation...⁴⁵

He discussed New Zealand and New Caledonia in a similar vein but stated that because of their greater populations⁴⁶ bloodshed would occur resulting in the destruction of either the British or the natives, and both outcomes would be repugnant to humanity. He also described possible objections to his scheme and gave counter arguments. The scarcity of the population in New Holland and the augmentation of trade and empire were the main positive points, and Britain should not be discouraged from such an adventure by her experience in the American colonies. In fact, he argued, Britain had benefited despite inauspicious beginnings in these areas. Following Matra and Young he introduced American Loyalists into his scheme at this point. They should be given plots of land with the materials for cultivating them, free of charge, he wrote, as 'Great Britain cannot dispose of them better or place them in a situation from whence a better return of commercial advantage might in a few years be expected.'⁴⁷

Call then included a description of the possibility of sending convicts to New South Wales.

It is proposed to transport them to some more distant situation, and to place them where all temptation to a renewal of their crimes is wanting, & where necessity will indicate a different conduct which will ultimately produce more essential benefits to themselves and restore them perhaps to a future intercourse with their Mother Country... Under this idea of the

⁴⁴ HO 42/7, ff. 49-57.

⁴⁵ Ibid.

⁴⁶ As it was then thought.

⁴⁷ HO 42/7, ff. 49-57.

propriety of removal from temptation in preference to temporary or occasional punishment, it may be urged that the Navy, the Army abroad & particularly the Service of the East India Company have received many atrocious offenders & converted then to useful subjects because they have been placed in a Situation where a contrary inclination was not reducible to practice.⁴⁸

He ended his proposal by stating that the return voyage could be completed in twelve months, 'it seems practicable to go thither, unload, take in another cargo and return in twelve months'. But of course, at that time, no return cargo was available from New South Wales and if that idea was to be followed the cargo would have to be taken from elsewhere.

The idea of sending convicts out of reach of the Mother Country with little likelihood of return, coupled with the opportunity for rehabilitation of the offenders through hard work and self-sufficiency, and ultimately return to a moral and crime free life, was gaining momentum. Call's plan was based on principles founded many years previously, by each of the major European powers. In order for a colony to flourish hard labour is required. The American Loyalists would be incapable of the type of labour needed in a new colony if they were to undertake it on their own, so some other form of manual labour was required – convicts.

Another authoritative voice now re-entered the discussions. Sir George Young wrote to William Pitt. Changing tack from his earlier Madagascar scheme he wrote

Botany Bay, or its vicinity, *the Part that is proposed to be first settled*, [my italics] is not more than Twelve Hundred Leagues⁴⁹ from Lima and Baldavia, with a fair, open Navigation, and there is no doubt that a lucrative Trade would soon be opened with the Creole Spaniards for English manufactures.⁵⁰

⁴⁸ Ibid.

⁴⁹ The distance fluctuated with each plan that he submitted.

⁵⁰ PRO 30/8/342, pt. 2, ff. 283-4, Sir George Young to Pitt, August 1784. This is one of four proposals put forward by Young held at the PRO. CO 201/1, ff. 52-3, 'A Rough Outline,' Young to Pepper Arden, Attorney General, c. January 1785. CO 201/1, ff. 55-6, 'A Rough Outline,' printed but undated and immediately following the second quoted reference here.

Young's new proposal was interesting because for the first time we have an intimation that Government might create a settlement at Botany Bay. Previous to this letter it had been mentioned only as a possible place of settlement by Sir Joseph Banks when giving evidence to the Bunbury Committee in 1779, and by Matra and Call in their petitions recently submitted to Government. It might be that Young was proposing the settlement but it is more likely that a settlement at Botany Bay had been discussed in official circles before the Beauchamp Committee hearings in the spring of 1785. Frost has dated Young's letter to Pitt as August 1784 and it may have been written before or after Matra's submission relating to convicts. There is no doubt that a second letter sent to the Attorney General and written in January 1785 contained the same information. What the original letter does show is that Pitt was aware of the Botany Bay discussions two years before the decision was made.

Young's plan was different to previous submissions in that it not only included the types of vessel that might be required to undertake such a venture, but also the number of men required to bring about a successful outcome. He also included a list of the implements necessary for establishing a colony in New South Wales. This was very similar to what was required for the American Loyalists in Nova Scotia,⁵¹ and it was the type of proposal that the administration wanted to see to aid their deliberations. Young's previous naval experience was a tremendous help in this respect as he was able to compute equipment with man-hours and give the possible benefits. But he was only re-iterating what Banks had told the 1779 Bunbury Committee. As fellow members of the Royal Society, world travellers, and erudite men more than capable of putting their views in writing, it is highly likely that the two had discussed the matter; both had thought through the implications of starting a settlement, using convict labour, in a region far removed from western society.

CO 201/1, ff. 152-3, 'A Rough Outline,' 21 April 1785. Frost quotes an additional reference in the Young family papers, Frost, *Convicts*, p.203.

⁵¹ See pp. 116-7 *supra*.

So how long had Britain been contemplating putting a settlement on Botany Bay in New South Wales? Banks had introduced the idea in 1779 only for it to fall from view. Then if he is to be believed, Matra heard it in July 1783. But was what Matra heard idle speculation, coffee house gossip, club talk, or the serious ruminations of the Ministers of the day? The evidence provided by Cook on his first voyage of discovery, and supported by Joseph Banks at various stages, told the Administration that New Holland was greater in size than continental Europe, similar in vegetation and climate, with a fertile soil that could be tilled. The few inhabitants appeared reasonably friendly and there was the opportunity for trade. As Fellows of the Royal Society both Call and Young would have been party to discussions, lectures and dinners where the benefits of a settlement in the region would have come up, particularly from a scientific point of view. Call was one of Young's proposers for a fellowship of the Society and it may be assumed were good friends.⁵² No doubt those discussions also contained details of the benefits gained by the Spanish and Portuguese in their settlements in similar latitudes. Yet nothing further had been done to settle the east coast of Australia since Cook's 1770 discovery. Clearly, from Young's submissions, Government Ministers had been talking about New South Wales. Could the Government be prompted into taking some form of action now?

At this point Matra and Young joined forces and included an aspect of trade that would prove interesting to government. In November 1784 Matra told Nepean that he had spoken with captains of various East Indiamen about the possibility of sailing to China via New South Wales and had received favourable responses.⁵³ Young now proposed that

The China Ships belonging to the India Company, after leaving the Cape of Good Hope, and keeping more to the Southerd than usual, may land the Felons on the Coast; and then proceed to the Northerd round New Ireland, &c. or through Saint George's Channel, and so on to the Island

⁵² See page 131, note 18 *supra*.

⁵³ CO 201/1, f.65, Matra to Nepean, 1 [November] 1784.

Formosa for Canton. – With a little Geographical investigation, this Passage will be found more Short, Easy, and a safer Navigation, than the general Route of the China Ships, from Madrass through the Streights of Malacca.⁵⁴

This new aspect appeared to find favour within an Administration that was seeking ways to improve Britain's commercial interests. The opportunity for Government to use the ships of a mercantile company to assist with the convict problem, while at the same time offering commercial opportunities for that company on the return voyage, a sort of *quid pro quo*, would be beneficial for all. It would also limit the expense for the Government. George Young referred to this plan years later when writing to his friend Alexander Davison. He intimated that it had been produced by both himself and Matra in 1784, but when presented to Sydney he appeared to make little use of it. However, Young then told Davison that when he 'put the plan into the hands of some Merchants, it was immediately adopted in the manner you so well know'.⁵⁵

This was now reflected in an undated memorandum to Evan Nepean, which stated:

Thursday morning.

The Attorney General I believe by his own desire has had communicated to him, an observation on the passage of our China Ships, that I imagine will remove the only difficulty, than I can think on in the way of the South Seas scheme.

It is a better rout & shorter for the ships bound for China to pass the Coast of New South Wales – now that it is so well known, than that which they at present pursue. Sir George Young has spoken to several of them on the subject, & it appears that the Government may send out convicts at about £15 a head & as Mr Pitts Commutation Bill⁵⁶ will considerably increase the number of China ships, twenty being taken out by each yearly will rid you of as many as you've on hand. As perhaps the Attorney General may not receive this in time, you

⁵⁴ CO 201/1, ff. 53-4, Young to Arden, January 1785.

⁵⁵ CO 201/8, f. 148, Young to Davison, 3 February 1793.

⁵⁶ The Commutation Bill was Pitt's way of overcoming smuggling. It reduced the duty on tea and legislated for the East India Company to maintain adequate stocks of tea. See p. 191, note 49 *infra*.

will oblige me by communicating it to Lord Sydney before he goes to the Cabinet Council.

As there are officers of some consideration in the service, who are willing to go on this duty, & as the number of convicts taken out at the beginning are few, and chosen, I think the impropriety of employing Kings ships in the first instance sufficiently removed.⁵⁷

Lord Howe, First Lord of the Admiralty and a member of Cabinet, may have written the memorandum. It contains an approbation of the route suggested with the cogent advice that the navy would not be required at first. Twenty ships per annum were quite capable of taking fifty convicts each, 1,000 in all, the number alleged to be building up for transportation each year.

But the previous month Howe had returned some papers that had been submitted to him by Sydney seeking his opinion on Matra and Young's plan. Howe did not see the necessity of founding another settlement 'on the plan Mr M. Matra has suggested', and went on, 'The length of the navigation subject to all the retardments of an Indian voyage, do not I must confess, encourage me to hope for a return of the many advantages, in commerce or war, which Mr M. Matra has in contemplation.'⁵⁸

The four major proposals that had been received by the Administration by the end of 1784 all had common ground: commercial benefit for the nation; a new area for colonisation; a strategic outpost in the Southern oceans; and the opportunity to use convict labour with the added benefit of rehabilitation. For some reason Lord Sydney still delayed over resolving the convict crisis. This may have been because the best season for sailing to that distant part of the world had passed. Time was no longer of the essence, except that the gaols and bridewells continued to fill, and the hulks were also full. At this time Sydney took the opportunity to make enquiries of the Portuguese to ascertain if they were prepared to take English convicts to

⁵⁷ CO 201/1, f.66, (?) Memorandum to Nepean, undated c. January 1785.

⁵⁸ HO 28/4, f.386, Howe to Sydney, 26 December 1784.

their settlements, knowing that they transported their own convicts to those regions. He received a negative response.⁵⁹

So Sydney again asked the Africa Company to take convicts.⁶⁰ This was a revival of a scheme first suggested by John Roberts, who had given evidence to the first Bunbury Committee in 1779, and Edward Morse further suggested early in 1783. John Barnes, the Africa Company Governor, seizing the opportunity presented, and knowing of Morse's previous idea, suggested that the government might consider the island of 'Lee Maine' on the River Gambia. He had discussions with both Sydney and Nepean about this time to develop his idea and Sydney had been receptive.

In December 1784 a Mr Bradley wrote to Sydney that he had heard that Government was contemplating sending convicts to a place called Le Main in West Africa. His brother Richard could obtain the necessary permissions if convicts were to be sent there.⁶¹ Now a tension was building between those in favour of Africa and those who wanted to see a new development in New South Wales.

On 29 December 1784 Nepean wrote to the Mayor of Plymouth, and told him in confidence that 'It is at last determined that they [convicts] shall forthwith be removed...to the coast of Africa.'⁶² It is clear that Sydney then raised the matter of settling convicts in Gambia at dinner with the Company of Merchants trading to Africa on 1 January 1785.⁶³ There was very good reason for Barnes to suggest the West Coast of Africa. It would give his company's ships a cargo to take in the first instance, before collecting the African goods, either in the form of produce or slaves, for an onward or return trip. This would give the company a great financial advantage and swell their profits considerably. Additionally, it did not matter, either to the Company or

⁵⁹ HO 42/5, f.382, Freire to Nepean, 17 November 1784.

⁶⁰ HO 43/1, ff. 353 and 355, Sydney to Africa Company, 14 and 21 December 1784.

⁶¹ HO 42/4, ff. 93-4, Bradley to [Nepean], undated.

⁶² HO 42/5, f.386, Nepean to Nichol, 29 December 1784.

⁶³ See various letters in HO 42/6.

in the Company's belief to the Government, if the convicts died in the process. It was better to lose convicts than healthy traders. But Barnes was critical of the selection of Bradley for the purpose, a man he believed to be inexperienced in West African negotiations. Barnes's suspicions were confirmed after he consulted other colleagues in the City of London. Instead Barnes proposed a Mr Heatley.⁶⁴ Nepean sought references for Heatley, after which Sydney tasked Bradley with the purchase of Le Maine and Heatley with setting up the proposed colony.⁶⁵

The Home Office even went so far as to seek approval of their African idea from the Treasury. In doing so they attached 'A description of the island of Lemain'⁶⁶ which had been sent to them by the merchants of the Africa Company. This description reiterated the points that the area was extremely fertile, with good crops for animal foodstuffs. Whilst recognising that a great many convicts might die in the first instance, this would naturally allow more to be sent along at a later date. In time, they felt that the island might eventually accommodate as many as 4,000 people. Whilst this would not solve the whole convict problem in Britain it would ease matters considerably in the short term. It also shows the ruthless streak held by some merchants – profit not people was their main concern.

In February 1785 Sydney wrote again to the Treasury seeking approval to send 200 convicts to the region 'since it was indispensably necessary to send this larger number in order to give effectual relief to the Gaols'.⁶⁷ The Treasury now sought the view of the Navy Board who replied that they could see no objection but that the terms for the contractors appeared a little high. Cabinet then asked the Attorney General to draft the Orders in Council, in the terms of the 1784 Transportation Act, fixing Africa as the place for transportation of convicts. However, by the time these had been completed the sailing season for the region had passed. So Sydney asked Campbell whether he could accommodate more convicts until

⁶⁴ HO 42/6, ff. 9-10, Barnes to Nepean, 3 January 1785.

⁶⁵ HO 42/6, ff. 29-32, Barnes to Nepean with references, 13 January 1785.

⁶⁶ HO 35/1, 'A description of the island of Lemain'.

⁶⁷ HO 35/1, Sydney to Treasury Lords, 9 February 1785; T 1/614, 12 February 1785.

September. Campbell replied that was willing to do so if Government met the cost of a new hulk.⁶⁸

On 16 March Burke called the Commons' attention to the melancholy state of affairs with regard to transportees, who he claimed now amounted to over 100,000.⁶⁹ Whilst he could understand the punishment of transportation, whether as a primary punishment or as a result of clemency, he argued that it must be coupled with humanity not cruelty. He 'wished to know what was to be done with these unhappy wretches; and to what part of the world it was intended, by the minister, they should be sent. He hoped it was not Gambia, which though represented as a wholesome place, was the capital seat of plague, pestilence, and famine.'⁷⁰ Burke went on to state that the House had a duty to remember that punishment by transportation was not meant to mean death by another means, and yet, 'in Gambia it might truly be said, that there "all life dies, and all death lives."⁷¹ He asked if any contract had yet been entered upon to send any convicts to Africa, and the answer from Pitt was 'No'.

On 11 April Lord Beauchamp raised the matter again in the Commons by pointing out that the House had still not received details of how the Government intended to dispose of the convicts. He stated that '[H]e had heard from undoubted authority that various deliberations had been held on the subject and that a place of transportation, an island in the River Gambia, had been fixed upon.'⁷² Pitt replied that if Beauchamp gave him the questions for which he sought answers he would prepare a response for a later day. Beauchamp declined. Burke now added his voice to Beauchamp's. He stated that he had read in the newspapers that seventy-four or five felons were even now on a vessel in the Thames awaiting transportation to Africa:

⁶⁸ T 1/619, f.207, Campbell to Nepean, 5 March 1785 (see also Mitchell Mss A3229, f.29); T 1/619, f.206, Sydney to Treasury Lords, 20 March, 1785.

⁶⁹ This was a gross exaggeration as there were about 500 places of detention in the whole country, and transportees on the hulks were only about 600, while felons amounted to a little over a thousand. He may have been confused by the numbers of military personnel now returned to society after the recent war with America, not all of whom were criminals.

⁷⁰ *PH*, 25, p. 391.

⁷¹ *Ibid.*

⁷² *PD*, 2nd ser. Vol. 5, pp. 305-9.

[This] might with justice be called cruelty: the merciful gallows of England would rid them of their lives in a far less dreadful manner, than the climate or the savages of Africa would take them.⁷³

The following day, 12 April, Pitt pre-empted any further discussion on the matter by stating:

He only wished to assure the gentlemen who had interested themselves in the business, that he was sincerely disposed to give them all the information he could; but that which they seemed most anxious to know, had not yet been produced. He therefore trusted they would postpone the business, only for a few days, as he trusted, by that time, he should have every document ready, which could be desired, or be of any use.⁷⁴

Pitt was being economical with the truth. Orders in Council had already been made for the transportation of convicts to Africa, but Burke's vehement attack caused the Government to delay firmly fixing this destination. Clearly Pitt was embarrassed by the revelations in the House, and must have been annoyed that Sydney seemed unable to resolve the problem. Beauchamp now responded to Pitt by stating that the business had in fact been set down for debate the following Thursday, 14 April, two days hence, but that as Pitt was much involved in other business he would postpone the matter until the following week. On 15 April an article appeared in the *Daily Universal Register* that gave great alarm. It described an island in Gambia but that '[on] either side [were] warlike Negroes who eat white people.'⁷⁵ The *Daily Universal Register* reported the following week that on 20 April 1785 Beauchamp made the following point in the House:

He wished to make a motion, which if complied with, would be the means of producing the most ample and satisfactory information on the subject that the House could wish for; he fancied he need not urge any other argument in defence of his request than that as the lives of numbers of our fellow

⁷³ *PH*, vol. 25, pp. 430-1.

⁷⁴ *PD*, pp. 310-11.

⁷⁵ *Daily Universal Register*, 15 April 1785.

creatures would be endangered by transporting them to a climate at the approaching hot season, when they could not only be preserved but appropriated to the service of the community by a further consideration and amendment of the law that authorised this species of punishment.⁷⁶

He then moved that a committee be appointed to examine the laws relating to transportation. This was an ideal opportunity for Pitt for now he could hand the problem over to the Opposition to resolve, and, if he did not like their findings, reject them. The House then made the following order:

That a Committee be appointed to enquire what Proceedings have been had in the Execution of an Act, passed in the Twenty-fourth Year of the Reign of His present Majesty, intituled, "An Act for the effectual Transportation of Felons, and other Offenders; and to authorize the Removal of Prisoners in certain Cases; and for other Purposes therein mentioned;" and to report their Opinion to the House what further Measures may be necessary to carry the Purposes of the said Act into Effect.⁷⁷

⁷⁶ *Daily Universal Register*, 21 April 1785.

⁷⁷ *JHC*, Vol. 40, p.870.



Francis Seymour Conway, 2nd Marquess of Hertford, by James Bretherton, 1784.

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Chapter 6 The Beauchamp Committee

Committees were an integral part of Parliamentary life and Select Committees were instruments of the House for detailed enquiry into and consideration of particular topics and subjects. They examined witnesses and papers, and then made a report to the House of this evidence and usually of the opinion of the Committee on it. Most members were chosen, either informally or by secret ballot, for their known interest in the subject, and it was interesting to note that members who had spoken in a preceding debate in support of the motion were almost always chosen.¹ It is, therefore, no surprise that Lord Beauchamp was made chairman of the newly appointed Committee to examine transportation. The Committee was mandated to report back to the Commons during the same session that is before the July recess, otherwise the matter would fall.² It placed the onus of finding a solution to the convict problem fairly and squarely with the Opposition and allowed Pitt time to complete other essential Parliamentary work.

The Beauchamp Committee was really taking up where Charles Bunbury had failed the previous year. Bunbury had been appointed to examine a similar theme, imprisonment and transportation, in March 1784,³ and chose instead to concentrate on the failure to build prisons that had occurred since his enquiry of 1779. Bunbury was disappointed that his 1779 recommendations had not been implemented, especially those that recommended the building of two new penitentiaries in London. His 1784 report reinforced his previous report that the two prisons, for 600 male and 300 female convicts, should be built. To enable that process to happen he recommended that a sum of £40,000 should be advanced in the first year, with similar sums in each of the following four years, and to keep costs down convicts should be used for the purpose. This was an enormous amount of

¹ P.D.G. Thomas, *The House of Commons in the Eighteenth Century* (Oxford 1971), ch. 14. A Committee of the Whole House was one where any member could attend although it was normal practice for Select Committees to have particular members nominated onto them. They usually ended with the order that 'all who attend have voices'.

² *Ibid.*

³ *JHC*, 39, p. 982.

money that the newly formed Pitt Government was unlikely to endorse, for the Government was nearly bankrupt, as we shall see.⁴ It is also likely that those costs would have risen over the same period. This would have made the annual cost of housing a convict in the new prisons in London alone a minimum of £200 per year.⁵ Sydney would have been aware of this, hence his desire to find a cheaper solution. Bunbury's 1784 report also had the added disadvantage that it was presented two days before Parliament was dissolved.

By the standards of the time Beauchamp's Committee comprised a far greater number of persons than usual, perhaps a reflection of the interest in the subject. Thirty-six members of the Committee were named in the original order of whom eleven had been members of the Bunbury Committee that had sat in 1784. Of those eleven only six attended the new Committee, in fact, only fifteen of the nominated members to the Beauchamp Committee attended any of the ten hearings for which minutes remain. As with the previous Bunbury Committee all the merchants in the House were entitled to attend the Committee hearings and had the right to be heard. Bunbury did not attend, but that is not surprising for he had been defeated in the General Election in March 1784.

The chairman, Francis Seymour Conway or Lord Beauchamp,⁶ was a member of the aristocracy. The eldest son of the first Marquis of Hertford he had five brothers who were all MPs.⁷ Beauchamp was first elected an MP for Lisburne, an Irish constituency, which he represented from 1761 to 1766. He

⁴ See chapter 7 *infra*.

⁵ *JHC*, 39, pp. 1040-1.

⁶ Unless otherwise specified details of all the members subsequently mentioned are taken from the *DNB* and Sir Lewis Namier and John Brooke, *The History of Parliament: The House of Commons 1754-90*, 3 vols. (London, 1964).

⁷ It was common at this time for the sons of peers to be elected to the House of Commons until they either inherited the family title, or were given a peerage in their own right. Beauchamp's maternal grandfather was the second Duke of Grafton, who had been First Lord of the Treasury from August 1766 to 1770 during the elder Pitt's illness. Beauchamp was born in 1743 and was educated at Eton where he was a colleague of Joseph Banks. In due course he went to Christ Church, Oxford, also with Banks. From there he went on the Grand Tour. On 2 August 1771 Beauchamp had introduced Banks to King George III at the Court of St James after Banks's successful circumnavigation with Cook. For this latter see *Gazeteer and New Daily Register*, 5 August 1771; H.B. Carter, *Sir Joseph Banks*, p.96.

was elected chief secretary to the Irish Privy Council in 1765, a Lord Lieutenant of Ireland from 1765-6, and the Constable of Dublin Castle from 1766 until his death. He was an early advocate of Irish independence and in 1780 had introduced a Bill to relieve debtors of imprisonment. He was elected MP for Orford in 1766, a pocket borough of the family, and held his seat until elevated to the peerage on the death of his father in 1794. From 1774 to 1780 he was a Lord of the Treasury and in February 1780 was made a member of the Privy Council. He was described as a frequent speaker in the House who spoke 'if not with eloquence at least with knowledge of the subject.'⁸ He was considered an Opposition spokesman in Pitt's time.

Of the other thirty-five members appointed eight were lawyers, but only three attended, Thomas Gilbert,⁹ Angelo Taylor¹⁰ and Alexander Popham.¹¹ Those three, together with the Lord Advocate Ilay Campbell¹² and Solicitor General Archibald Macdonald,¹³ comprised the only lawyers on Beauchamp's committee, although it did include 'Gentlemen of the Long Robe', judges in parliament who gave legal advice to the various committees.

Both Gilbert and Popham made valuable contributions to law reform in their time as MPs. Gilbert's main work in the House was on Poor Law reform and like Beauchamp he felt that certain sentences of imprisonment were unjust. He particularly wanted to abolish sentences of imprisonment for small debt. The Gilbert Acts¹⁴ of 1782 and 1784 showed evidence of the increasing importance given to the use of disciplined labour within prison. His plans for poor relief were based on outwork being provided for those who were willing and able to work; only the impotent poor were to be placed in workhouses.

⁸ Wraxhall, IV, p.137.

⁹ Thomas Gilbert (1719-98), MP for Lichfield from 1763-94; chairman of the Ways and Means Committee, 1784-94; Bencher Inner Temple, 1782.

¹⁰ Michael Angelo Taylor (1757-1834), MP Poole from 1784-1834; Recorder of Poole, 1784 to death.

¹¹ Alexander Popham (1729-1810), MP Taunton; Recorder of Wells 1766-7, 1776 to death; Master-in-Chancery, 1786-1802.

¹² Ilay Campbell (1734-1823), MP Glasgow Burghs from 1784-9; Lord Advocate 1783-9; trustee for fisheries and manufactures, 1784 to death.

¹³ Archibald Macdonald (1747-1826), MP Hindon, 1777-80, Newcastle-under-Lyme, 1780-93; solicitor-general, 1784-8; attorney-general, 1788-93.

¹⁴ 22 Geo. III, c.64 and 24 Geo. III, c.55.

Those who were able-bodied and refused to work would be imprisoned in bridewells. The Acts put into legislation the main elements of Howard's inspections but unfortunately they were permissive and required adoption by the various counties which did not happen. Consequently they did not have any great effect.¹⁵ Popham had been appalled when he was first elected to discover that eight out of the nineteen prisoners held in Taunton gaol that year had died of gaol fever. In 1774 he introduced a Bill that that was another aspect of Howard's recommendations, a plan to relieve acquitted prisoners of gaoler's fees. In Popham's opinion this would help to relieve the pressure on the prisons, which of course it did, but only in a relatively small way. Then, later in the year after visiting prisoners in various gaols, he introduced a Bill for preserving the health of convicts and preventing gaol distemper. Both Bills became law.

Prominent members of the Committee included William Eden, the future Lord Auckland, Edmund Burke and William Wilberforce, although the latter only attended once. Eden was a close friend of Beauchamp and as we have seen deeply interested in penal reform.¹⁶ He favoured a new penitentiary scheme rather than any system of transportation, and had been advocating such a measure for the previous fourteen years. Although he held no particular office during Beauchamp's deliberations (he had been a Lord of Trade from 1776-82), he was chosen by Pitt to conduct the important treaty negotiations with France. Eden attended on three occasions. Burke needs little introduction being a noted statesman and writer of the period. He spent many years planning economic reform and pleading for Catholic relief. Philosophical conservatism, a deep sense of historical continuity, and an overwhelming respect for British institutions characterised his general approach to political problems. Burke attended on six of the eleven days that the Committee sat and, apart from Beauchamp, was the leading member of the Opposition to attend the Committee.

¹⁵ Christopher Harding et al, *Imprisonment in England and Wales* (London, 1985), p.119.

¹⁶ See pp. 57-8 *supra*.

Whilst few of the nominated MPs attended any of the hearings, a further twenty-nine MPs did, although usually only for one hearing. Eleven of those were wealthy City of London merchants bringing the total number of merchants who sat on the Committee during its hearings to eighteen. Nine further members were landed gentry having made or inherited private fortunes. This is an important point to remember, as they would have been responsible, together with the county law officers, for implementing any prison overhaul or rebuilding programme, as well as giving and collecting the necessary monies. The responsibility rested with them for failing to take any measures to ease the prison problem over the previous six years. But while those nominated to the Committee were invariably Opposition supporters, those that attended were in the main supporters of Pitt. The most regular attendee after Beauchamp and Edmund Burke was John Call, who attended on seven days, and who was generally considered a supporter of Pitt.

This then was the group of MPs selected to serve, or who attended, the Beauchamp Committee. In no way could this Committee be construed as a legal Committee seeking an answer to the convict problem. Rather it was a Committee of merchants trying to find a possible site for transportation, and landed gentry seeking any alternative to a prison-building programme. The merchants represented many interests, America, India, the West Indies, Africa, Russia, even the fisheries.

The Committee held its hearings in two stages. From 26 April to 3 May they heard evidence relating to Lemaïne and presented their preliminary findings to the House on 9 May. From 9 May to 25 May they heard evidence relating to other areas outside the Kingdom.¹⁷ The proceedings of the Committee were commenced on 26 April with the reading of the Act of Parliament that they were being asked to consider, namely 24 Geo. III c.56. Needless to say the first person that the Committee wished to call to give evidence was Evan Nepean, the Permanent Secretary at the Home Office, for it was the Home Office papers that Beauchamp wanted to see. Having

¹⁷ HO 7/1, the minute book is embossed 'Minutes of committee of House of Commons respecting a plan for transporting felons to the island of Lee Maine in the river Gambia.'

26.4.1785	27.4.1785	28.4.1785	2.5.1785	3.5.1785	6.5.1785	9.5.1785	10.5.1785	12.5.1785	23.5.1785	25.5.1785
Beauchamp	Beauchamp	Beauchamp	Beauchamp	Beauchamp	No minutes survive for this day					Beauchamp
A'Court	Call	Burke	Anson	Call						Burke
Burke	Eden, W.	Philips	Burke	Eden, W.						Call
Campbell,										
Lord F.	Lord Advocate	Pye	Call	Gilbert		Philips	Johnstone	Kingsmill	Cavendish, Lord G.	Fitzherbert
Carnegie	Philips	Popham	Eden, W.	Medley		Phipps	Philips	Lygon	Philips	Grant
Dempster	Popham	Strachey	Langston	Perry		Phipps	Phipps	Marsham	Phipps	Philips
Fergusson	Smith	Taylor	Powney	Pockin		Popham	Phipps	Philips	Thornton	Peachey
Foley	Strachey	Wyndham	Pye	Smith		Strachey	Pelham	Smith	Watson	Strachey
Greville			Strachey			Wilberforce	Strachey	Strachey		Selwyn
Miller							Pennyman			
Solicitor General										
Bailey	Nepean	Call	Young	Nevan		Matra (again)	Banks	Coggan	Matra	Call
	Boone	Recorder of London	Street MP	Nesbitt				Duncan		Abbe le Caille
	Barnes		Thompson	Akerman				Campbell		
			Smeathman							
			Barnes							

Table 8: Beauchamp Committee sittings.

Source: HO 7/1 - Minutes of Committee of House of Commons respecting a plan for transporting felons to the island of Lee Maine in the River Gambia. (Names in black are MPs, those in blue the witnesses called to give evidence.)

Notes: It can be assumed that because of the comment at the end of 3 May minute, 'adjourned to Friday', which would have been 6 May, and after Matra's name on 9 May, 'Matra again' that the Committee did sit on 6 May.

been fobbed off by Pitt he now had the opportunity to ascertain what Sydney's real intentions were. However, Sydney begged Beauchamp's indulgence and replied that Nepean's attendance at the Home Office was too essential that day for him to be spared.¹⁸ It also gave Sydney and Nepean the opportunity to discuss the extent of the evidence that Nepean was to divulge.

As a result of Sydney's request the Committee called Thomas Butterworth Bailey¹⁹ to give evidence, an acting magistrate from the county of Lancaster. He gave an account of the difficulties being experienced by magistrates in inflicting the punishment of transportation.²⁰ Convicts were being sentenced to imprisonment in England for want of a place to send them and this had caused overcrowding of the gaols and great expense on the County rates. He went on to state that the previous January he had sought the advice of the Home Department as to which destination convicts should be sent. He had still not received a reply. Ships' masters were unwilling to take them and in any case had a general lack of knowledge in this area.

The following day Evan Nepean, the permanent under secretary at the Home Office, gave evidence.²¹ In his evidence Nepean outlined the five classes of convicts awaiting transportation at that time: those originally sentenced to America; those convicted and respited on condition that they be transported to America; those sentenced to transportation beyond the seas generally and awaiting the King to name the place; those sentenced to be transported to Africa; and lastly, those convicted and respited on condition of transportation to Africa.²² In the latter categories four persons had been sentenced to Africa and five persons had been pardoned on condition of transportation to Africa. He then outlined the Government plan for the island

¹⁸ Egerton Mss 3260, f. 63, Sydney to Beauchamp, 26 April 1785.

¹⁹ Bailey's name has sometimes been spelt as Bayley.

²⁰ HO 7/1, ff. 1-4.

²¹ Nepean was a naval man who had entered the navy as a clerk. In due time he had risen to the rank of purser on the *Falcon*, serving on the North American coast in 1776. From 1777 he served successfully on the *Harpy*, the *Hero*, and finally the *Foudroyant* with Captain John Jervis, afterwards Earl of St. Vincent. He had been selected for work in the Home Office under the Shelburne administration.

²² Nepean to Beauchamp committee, HO 7/1, ff. 5-13.

of Lemaire and stated this was the preferred option of the Secretary of State, Lord Sydney. He also told the Committee that the hulk, *Ceres*, already had other convicts intended for that destination. These were 'the most notorious felons, who are expected every day to break prison, some of them having already made attempts to do so, and are a class of people too dangerous to remain in this country.'²³

On being further questioned on Lemaire Nepean stated that 'it is under the Contemplation of Government, and preferred to every other Plan, though not finally resolved on.'²⁴ He also mentioned that the time for sailing conditions to that part of the globe was too advanced otherwise the plan would have been put into effect. He told the committee that there had been an absence of suggestions for any other place. On being asked if there had been any plans to send convicts to Cape Breton, Canada, or any of the British settlements in that part of the globe he replied that he knew of none.

The Committee then heard a succession of people who gave evidence on Lemaire and the River Gambia region. John Boone, a former army surgeon in Africa, stated 'that from about the middle of July to the beginning of November, putrid fevers usually prevail; and that fluxes are very general from December to the end of March; and that the former disorder is the most fatal to Europeans.'²⁵ He believed that two thirds of all Europeans going to the region died. John Barnes, an African merchant, said that the Lemaire plan had been formed after several conversations he had had with Lord Sydney. At that time his company of African merchants had been inclined to take convicts. He was very positive in his views and after describing the fertility of the area mentioned that in due course Europeans would eventually become inured to the climate, and that 'convicts deprived of all the Means of Debauchery, would stand a good Chance of living.'²⁶ He also felt that if the natives were paid a rent then there would be no objections to the convicts.

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid., ff. 13-16.

²⁶ Ibid., ff. 16-21.

With the goods available from the area Britain was likely to benefit from such a scheme.

The next day, 28 April, John Call gave evidence in direct contrast to Barnes's. He had been in the region, although only at the mouth of the river, in 1750. He felt that both convicts and crew would arrive debilitated and be unable to undertake the tasks necessary for survival. Conflict with the natives would naturally ensue. With high mortality rates amongst the crew supervision of the convicts would be difficult. Furthermore, there was a real possibility of the guardship being taken over by the convicts to aid their escape. He felt that there was a possibility of a sacrifice of fifty to sixty good subjects in guarding two or three hundred convicts.²⁷

The Recorder of London then gave evidence to the Committee on how the judges at the Old Bailey had interpreted the 1784 legislation. They had tried to pick the most dangerous and desperate convicts, men and women, for transportation but had left it to the King in Council to select the place. Only five convicts had actually been sentenced to transportation to Africa, the rest sentenced 'for transportation beyond the seas'.²⁸ Details of how many was meant by 'the rest' are not available.²⁹ The Recorder was applying the law in the manner that Nepean had advised the Mayor of Plymouth the previous December,³⁰ but that Bailey in Lancashire seemed ignorant about.

The following Monday Sir George Young gave evidence. He told the committee that he had been four times on the West Africa coast and had visited James Fort, Senegal and Gambia on every voyage. Asked what effect a convict colony would have on the safety of Britain's trading settlements in the Gambia he replied 'I should conceive it would drive the traders from them

²⁷ Ibid., ff. 22-7.

²⁸ Ibid., ff. 27-30.

²⁹ The *Report from the Select Committee on Criminal Laws* published in 1819 shows that in the returns for London and Middlesex in 1784 153 persons were capitally convicted, of whom 56 were executed. We may assume, therefore, that at least 97 persons were the subjects of another form of punishment of which transportation was the most likely.

³⁰ HO 42/5, ff. 461-2, Nepean to John Nichol, 29 December 1784 'If you follow my advice you will sentence the convicts generally to "Transportation beyond the Seas" '. See p.146 and note 62 supra.

for fear of being plundered.³¹ He felt it would be nigh on impossible to restrain a colony of convicts in that region without a substantial guard force and the convicts being put in irons every night. During the rainy season he believed that the guardships would lose nine tenths of their crews.

Sturt³² was the next to give evidence. He was an MP and informed the Committee that he had accompanied convicts to Cape Coast Castle in 1782, when they had been enlisted as soldiers. Their bad behaviour and ill discipline had led the officers to fear for their lives. There had been mutiny on the outward journey, death in transit, rebellion on arrival and desertion to the Dutch.³³

Commodore Edward Thompson was next. He had a low opinion of the natives and felt that they would plunder whenever they had the opportunity. If a European entered the local woods he would be likely to be killed, and convicts sent out without government or subordination would render the natives even more barbarous. If the natives did not kill the convicts then fevers or the climate would. He went on to inform the Committee that sending convicts into the service of the African Company had in his opinion endangered the safety of the British forts, and seriously compromised relations with the natives. If Britain wanted good trade relations with this region then

Instead of sending Persons of the worst Characters to Africa, to be very careful in the Choice of Persons to be employed in that Service, as from the small Number of Europeans, to whom a Fort, or other important Trust is committed, the personal Character of every individual is more essential than in any other Situation which can be thought of.³⁴

Henry Smeathman, a previous resident of Sierra Leone, then confirmed Thompson's evidence and told the Committee that the natives

³¹ Ibid., ff. 31-6.

³² Sturt is the name shown in the first report to the House of Commons on 9 May 1785, see *JHC*, vol. 40, pp. 954-9. But in the minute book he is shown as Mr. Street, HO 7/1, ff. 36-8.

³³ HO 7/1, ff. 36-8. See pp. 108-10 *supra*.

³⁴ Ibid., ff. 38-47.

could be extremely vindictive. John Barnes now gave evidence again and repeated his earlier testimony with opposing views to those given by the others. Barnes of course was speaking for the African Committee who were desperate to get much needed manpower to the region, to help in rebuilding the forts and factories, and if necessary to be used to defend the settlements from incursion by the natives.

The next day evidence was given by John Nevan, a captain in the African trade, Thomas Nesbitt, a supercargo of a ship in 1780, and Richard Akerman, the keeper of Newgate prison. Nevan's and Nesbitt's testimony only added to that given previously on the poor state of people who had visited the region and the treachery of the natives. Both had gone to the region for trading purposes. Akerman gave details of overcrowding in Newgate.³⁵ From the minutes that have survived these three were the last to give evidence in the first stage of the Committee hearings. It is possible that others might have given additional evidence on 6 May but that day's minutes have not been found.

A report on the testimony so far was now prepared and presented to the House of Commons on 9 May.³⁶ The Government could not have liked what they read. Now they had not only Burke and Beauchamp publicly criticising Africa as a place to send convicts, but a host of other people had also given evidence in a similar vein. The Committee reported that Gambia was unsuitable as a location for the transportation of convicts. The idea of sending convicts to almost certain death was castigated at every level. West Africa and the Atlantic solution had been rejected. The Government would need to re-think the strategy for dealing with transportation if they were ever to find a solution. They were on the horns of a dilemma: legislation was inadequate, the penal system was inefficient and the prisons did not exist for the reception of the number of prisoners convicted. A radical re-appraisal and a probable change of direction and policy were required.

³⁵ *Ibid.*, ff. 53-64.

³⁶ *JHC*, 40, pp. 954-9.

The Committee deliberations re-commenced on 9 May 1785. The hearings had only heard evidence relative to West Africa so far, now they sought a more suitable destination. But in the course of that quest their minds would again be pointed towards one of the other problems, the American Loyalists. The first to give evidence in this second stage was James Matra. It is fairly certain that at least he had been called to give evidence on the previous Friday.³⁷ No record remains of who asked what questions, but when he re-appeared on that Monday the first question to him set the tone for subsequent proceedings. He was asked

Supposing Colonisation to be out of the Question and that the only Object was the Inquiry of this Committee, Viz. to send Criminals out of the Kingdom, that a Guard ship and some Marines being sent to control them 3 or 400 might not be sent in proper Transports and established in a Situation where by hard Labour if furnished with proper Tools and Seeds they might be able to provide convenient Residence and future Subsistence for themselves and those appointed to govern and direct them?

He replied, 'On the condition of the guard ships remaining there I think 500 might go with safety'.³⁸

The opening part of this question is fundamentally important to understanding what the Committee was thinking at the time. It shows that at least some members of the Committee were thinking of forming another colony, somewhere in the globe, and that like others before them convicts were ancillary to that purpose. In framing the question they were prepared to set aside all thought of a new colony, somewhere perhaps for the American Loyalists, and seek answers relative to convicts first. The question follows the ideas that were being considered for the Loyalists in Nova Scotia,³⁹ albeit in this case with guards, as well as Matra's earlier submissions to Government in 1783 and 1784. Matra would have been comfortable with the question for he was able to explain his view of the growing need to employ convicts in

³⁷ HO 7/1, ff. 64-5. It can be assumed that because of the comment at the end of 3 May minute, 'adjourned to Friday', which would have been the 6 May, and after Matra's name on the 9 May, 'Matra again' that the Committee did sit on this day.

³⁸ Ibid.

³⁹ See p.116-7 supra.

labour, in a faraway place, with little hope or opportunity for return to the Mother Country, and that in his opinion this would lead to rehabilitation of the felons sent there. The idea had been growing for some time that convicts at labour helped their rehabilitation. It had been an essential part of the Hard Labour Bill in 1776, and had become a regular feature on the hulks. The opportunity to employ convicts, as labour, in whatever region was finally decided, was uppermost in the minds of Committee members, but they coupled those thoughts with the future benefits of any new settlement to Britain.

Matra knew this so his appearance as a witness also gave him an opportunity to explain to the Committee the merits of New South Wales over the West African region that had been proposed to the Committee earlier. Matra was asked,

From the extent of coast that may be inhabited do you think that an establishment of convicts might be made on one part of the coast without hazarding any inconvenience to any colony which might hereafter established on another part of the Coast at such a distance as to make any intercourse between difficult and impossible – for instance if convicts were sent to Botany Bay a colony might be settled at Bustard Bay without any danger of being molested by the convicts being transported to Botany Bay?

He answered, 'Most assuredly I do – There is such an extent of coast that several colonies might be established without having any intercourse with each other'.⁴⁰ Yet again the question posed to Matra reveals that the Committee was thinking of a settlement with convicts ancillary to that process.

Matra now gave evidence that in order to arrive at the destination at the right time of year ships should set sail towards the end of July, and, after stops for provisions, they would probably take about six months to arrive at New South Wales. He explained that on Cook's first voyage the *Endeavour*

⁴⁰ HO 7/1, f.66.

had been sailing along the East coast from April to July and had found the climate perfectly agreeable to the European constitution; the inhabitants of New Caledonia and Otaheite were a happy and quiet people, and that the latter women were partial to Europeans and could be brought in any number to a new colony. This shows that Matra was thinking of a permanent settlement. Matra was then asked, 'Do you think Government would run any risk in attempting this plan without further examination than you or anybody you know could give them of that country.'⁴¹ He thought they would not. He went on that rather than see the plan dropped he would be prepared to take it on not as a contractor but as 'an officer under the Government to be the Conductor & Governor.' On being further asked whether he meant as a colony or a colony of convicts he replied significantly 'Both or either.' Matra thought that a colony of 500 convicts would probably need 200 marines to guard them as well as a 40-gun ship. The colony should be under military law and should include ministers of religion. He did not have any thought on the overall expense of such a voyage but thought that provisions could be purchased on the way at the Cape of Good Hope, Madagascar or the Moluccas. When questioned on the overall cost of £3,000 that he had mentioned in his original plan, Matra explained that the plan was meant for a settlement independent of convicts, with marines to guard it included in that cost. He implied that including convicts in any calculations would necessarily increase his original costings.

The Committee now heard evidence from arguably the most important contributor – Sir Joseph Banks. In answer to questions,⁴² Banks proceeded to give testimony very similar to that which he had given to the first Bunbury Committee in 1779. The Beauchamp Committee wanted to know whether on his voyages with Cook it had occurred to him whether there were any of the new discovered islands where convicts under sentence of transportation might be sent, and whether they could support themselves by their own labour. Banks replied that there were many parts of the Eastern coast of New

⁴¹ HO 7/1, f.68, Matra evidence

⁴² Some of the questions asked are contained in unsigned memoranda in HO 42/6, ff. 53-4 and ff. 440-1.

South Wales between 30 and 40 degrees, which were sufficiently fertile to support a considerable number of Europeans in the same modes as in England.⁴³

On being asked if any spot was better than any other Banks replied, 'Botany Bay is the only part of that country which I have actually visited and I am confident [sic] that it is in every respect adapted to that purpose.' He said that he did not understand the Aboriginal language or their form of government so he could not advise the Committee on negotiations with them or cession from them. When asked

Do you know of any place you think preferable to this for the purpose of sending Convicts to it?

His evidence concluded in the following manner:

From the fertility of the Soil the timid Disposition of the Inhabitants and the Climate being so analogous to that of Europe I give this place the preference to all that I have seen.⁴⁴

It is interesting to note that Banks gave preference to this site for it was not the only place that he had landed on Cook's first voyage. Remember they had been stranded in what is now northern Queensland after their ship struck the Barrier Reef for almost six weeks to undertake essential repairs. Whilst at that place, Banks had also made some relatively minor journeys into the hinterland. The only other places he had travelled to were Newfoundland and Labrador in 1766, Iceland in 1772, and the Pacific region on the *Endeavour*. Iceland was clearly unsuitable and settlements, primarily for the fishing industries, had already been established on Newfoundland and Labrador. The thought of a convict settlement close by these regions would have been seen as prejudicial to the settlements and possibly trade in that region. Banks's evidence showed that his thinking had not altered over the

⁴³ HO 7/1, ff. 71-76, Sir Joseph Banks's evidence.

⁴⁴ Ibid.

previous six years. In his opinion there were many benefits for Britain in establishing a settlement in the South Pacific.

It must not be forgotten at this juncture either, that Banks was first and foremost a scientist and botanist. He had been excited by the many new finds of flora and fauna that he had found in New South Wales, and considered that he only managed to bring home a very small amount. He was also aware that much still needed to be collected in the region and without a settlement in some form the possibility of Britain maintaining her supremacy in this science was remote. It is also important to remember that science still advanced by finding new animal, vegetable and mineral substances with medicinal and other practical properties and applications.⁴⁵ Thus botany helped to serve the economy in a small way. Banks had the vision to imagine great wealth for Britain in a new settlement in New South Wales.

The Committee now sought costs for any venture to New South Wales and called evidence from Charles Coggan, the clerk to the East India Company's shipping committee. The Committee wanted to know how much it might cost to send a convict to Botany Bay. Coggan felt that the overall average, after giving detailed accounts of shipping costs in 1763 and 1764 of shipping recruits to India, might be as much as £25 2s 9p per man. This did not include some minor additional costs for bedding, spirits, vinegar and lemon juice, or the cost of a surgeon.⁴⁶ This was not vastly different to what the Administration was spending on the hulks.

Duncan Campbell, the hulks overseer, was then called. He gave details of the cost of transporting convicts to America as £12 per man if there was no return trade.⁴⁷ He felt that the carriage of convicts to New South Wales, if 700 to 800 were carried out, could not be contracted for less than £30 per man, exclusive of crew costs. If only 200 were transported then the

⁴⁵ See p. 87 *supra*.

⁴⁶ HO 7/1, f.79, Duncan Campbell's evidence.

⁴⁷ This statement implies that actual costs were lower as there was always a return trade.

cost would rise to £40 per man. All the costs included surgeon's fees and a profit for the contractor, exclusive of shipbuilding or hiring costs, in excess of £7,500, a considerable sum. But Campbell was first and foremost a merchant. His proposed expenses were based on a considerable profit for himself should he be awarded any future contract.

On the penultimate day of hearings after the Committee received a letter from Campbell relative to the costs given previously, Matra gave evidence on this day as well. This time the Committee was curious about obtaining livestock supplies for a colony in New South Wales. Matra gave a number of places where they could be purchased, the Molucca, Friendly or Society Islands for example, where grain and vegetables could be purchased as well. However, he overruled difficulties put forward by Campbell on the size of the fleet by stating that bigger ships would enable 300 or more convicts to be transported, especially if a frigate and store ship were to accompany them. Matra finished his evidence by explaining that Cook had taken possession of many different parts of the eastern coast and to the best of his knowledge and belief no other European power had visited there previously or since.

This was a telling point as it meant that Britain could lay down a settlement without incurring the wrath of any other European power. Neither would it lead to war as Britain had the right of first discovery. This theory was based on conventions that had arisen over the previous two hundred years. If a European state had already established an effective possession of a region, another might acquire title to it only by formal cession, which might involve outright purchase. If a region was not already possessed by a rival then a state might acquire it in one of three ways: by persuading the indigenous people to submit themselves to its governance; by purchasing from the inhabitants the right to settle part or parts of it; by unilateral possession, on the basis of first discovery and effective occupation. That was the reason Cook put down a British flag at every stop he made along the coast of New South Wales, and his final claim on behalf of King George III. The region was also considered virgin and the indigenous people primitive

with a basic language only and little sense of community. As such New South Wales was considered *terra nullius*, and the right of first discovery prevailed.⁴⁸

It was clear at this point that the Committee was focused on New South Wales rather than Gambia, or indeed anywhere in Africa. It is equally clear that they were looking for a land where a settlement could be formed, with or without convicts, which in due course would be of some benefit to Britain. Costs also played an important part in their deliberations hence the evidence from the East India Company clerk and Campbell. They now knew that sending convicts to Botany Bay might be more expensive than sending them to Le Maine but less expensive than keeping them on the hulks. Equally they knew that a colony would be expected to become self-sufficient within three years negating the need to send further supplies.

Then, on the last day of hearing evidence 25 May, the Committee were presented with a paper from John Call containing information with regard to the western part of the southern coast of Africa together with some of his own observations. This must have landed amongst the Committee like an unexploded bomb; to do nothing with the new information was not an option.

Why then did the Committee turn their attention back to Africa? In a memorandum, of which part only survives and is undated but highly likely to have been written after part 1 of the Beauchamp Report was produced on 9 May, Nepean observed that

As so much noise has been made and so many objections started to the sending the Convicts to the Island of Lemain, on Account of its very unhealthy situation, it may be advisable to change the place of their Destination; The Southern Coast of Africa at or near Angra de Voltas between the Latitudes...is not subject to the same objections the Climate being nearly the same as that of Lisbon, and although the interior part is

⁴⁸ See Alan Frost, *Botany Bay Mirages* (Melbourne, 1994), chapter 9, for a good explanation of this phrase.

very little known or indeed even the Coast, it has been ascertained by Ships that have touched at places upon that Coast that the Natives are not inclined to Act with Hostility, and that they are amply...⁴⁹

It might be argued that the Nepean memorandum was based on an idea first suggested by Edward Thompson on 31 July 1783.⁵⁰ If an examination is made of Thompson's diary and letterbook it shows that Thompson had first suggested the Das Voltas region of south-west Africa to Lord Keppel during the Portland Administration in 1783. Thompson repeated the advantage of Das Voltas for returning East Indiamen to Charles Jenkinson in February 1785, and then prepared a paper which set out his detailed proposals for 'the settling Cape Voltas for the Loyalists of America & the Convicts.'⁵¹ Thompson noted in his diary that he discussed it with Sydney and Nepean in early March 1785.⁵² Was that the paper that Call produced for the Committee on 25 May?

The Committee had discussed two very different areas - West Africa and New South Wales. It is curious then that on the final day of deliberations their attention was directed towards the Western part of the Southern coast of Africa. And it is at this point that historiographical commentaries might be misguided. Much has been made by both Professor Frost and Dr David Mackay of the simple sentence in the minutes, 'Mr Call gave the Committee a paper containing information with regard to the western part of the southern coast of Africa accompanied with some observations of his own.'⁵³ The general trend has been to accept that Call's comments were on the Das Voltas paper but that might not have been so. Unfortunately the minutes do not record Call's observations, and although Thompson's plan has been

⁴⁹ HO 42/1, f. 462, Nepean, memorandum on Das Voltas Bay (incomplete), undated.

⁵⁰ Frost, *Convicts*, pp. 33-4.

⁵¹ CO 267/9, 9 March 1785, 'Some account of the Country on the West Coast of Africa. between 20° & 30° of South latitude, well calculated for the reception of the loyal Americans and where the Convicts of Britain may be useful to the State' quoted in Frost, 'Historians Handling Documents, Transgressions and Transportable Offences', *AHS*, vol. 25, no. 99. (Oct. 1992), pp. 192-213.

⁵² Add. Mss 46120, f.62.

⁵³ HO 7/1, f.83; Frost, *Convicts*, p.41; David Mackay, *A Place of Exile* (Oxford, 1985), p.52.

recovered it is not known that it was the paper presented either. So historians have been left to speculate.

It is worth dealing with the sentence in the minutes in both its component parts. First, the paper that Call presented to the Committee. That it related to the western part of the southern coast of Africa is not in doubt; the minutes tell us so. So what papers had Government received relating to this region? The Committee had asked Beauchamp to obtain details of voyages and travels to other places, and to ask the administration for any papers they might have relative to any other area, and to form 'such a report as he conceives may be warranted to make relative to the Coast of New South Wales or the West Coast of Africa between the latitude of 20 and 30 degree South.'⁵⁴ At first the Government had demurred being unwilling to disclose any plans that they had received.⁵⁵ Yet the Government had received plans from Morse (Gambia), Thompson (Saõ Tomé, South America, Das Voltas), Matra (New South Wales), Call (New South Wales, New Zealand, Norfolk Island), Young (New South Wales, Norfolk Island), and Barnes (Le Maine). Almost all these plans sought a settlement first, possibly using American Loyalists, and then attached views of the benefits of also transporting convicts to the region. Should the Government disclose the papers received? If they did so would it not disclose their hand to other European powers on potential settlement sites and give those powers the opportunity to outwit them? Could they take that risk?

The only other paper that now exists is the incomplete memorandum from Nepean. The interesting facet of this memorandum is that no mention is made of American Loyalists, or of forming a settlement, but rather it directs the reader, probably Beauchamp, Sydney or Pitt, to consider the region as a suitable place for convicts.

The second part of the sentence tells us that Call gave the Committee some observations of his own. Now these might have been on the Das

⁵⁴ Mitchell Library, Ab 115, Beauchamp to Sydney, dated 1785.

⁵⁵ NMM, NEP3, Nepean to Beauchamp, 3 May 1785.

Voltas region but the truth is there is no way to tell. If it had been so it would have been surprising. Call had never mentioned the region previously. Indeed, his thoughts had been fixed on trying to establish some form of Pacific trade. The papers that remain that he presented to Government do not mention Das Voltas or that part of Africa in any way. And in common with other plans, the convicts were added, almost as an afterthought to boost the worthiness of the proposition. If Call had thoughts on Das Voltas they have not been found.

It is fair then to wonder why the Government turned its attention to Das Voltas. Well the first and major point was that it was outside the East India Company charter. The Government had only recently fought a bruising battle with the Company and neither side wished to enter into any further political sparring. Pitt knew that the charter was due for renewal in the not too distant future and matters could rest until then. He had also brought the Company under effective Government control in 1784 – indeed, it was what had brought him to power. Now he relied on his powers of persuasion to overcome any obstacles the Company might put in the way of his ideas for the furtherance of various trades. But that does not necessarily imply that Das Voltas was considered for this reason alone.

It was clear to Beauchamp that having examined the Government's first option, the Gambia and particularly the Lemaine region, and soundly rejected it, that Botany Bay now seemed a much better option. Despite the difficulties that may have been raised, primarily with the East India Company charter, he felt that this was an obstacle that could be overcome, preferably with the help and assistance of the Company. To be asked to examine a region that had not entered the Committee's thinking to that point, albeit that it was outside East India Company control, was impeding what Beauchamp saw as a simple and speedy, though relatively costly solution to the convict problem. This raises the intriguing possibility that the Government was thinking about Botany Bay all along, but with trade negotiations with France, Spain and Holland at a delicate stage it did not want to give away any intelligence to any foreign power. By directing Beauchamp to concentrate on

south-west Africa it distracted those other countries. But were there more worrying reasons?

The French at this time were making no secret of the fact that they wished to regain lands lost in the Peace Treaty of 1763. Their alliance with America in the late war would hopefully put them in a better bargaining position. Unfortunately for the French by 1785 that had not happened. Consequently they sought other means. The most important of these was to gain control of the sea routes to the far eastern trade. Throughout 1784 the Government kept receiving reports that the French navy was strengthening the French position in all the refreshment ports on the way to India and China. They were also making strategic gains in areas close to these refreshment ports. For example, in 1784 a French fleet under the command of Bernard de Marigny defeated the Portuguese army under the command of Pinheiro Furtado in Angola. The result was that the French gained control of Sao Paulo de Luanda and Sao Felipe de Benguela on the Angolan coast.⁵⁶ With their reclaimed territories in West Africa, together with their possessions in the Indian Ocean, namely Mauritius and Reunion, the French controlled the sea routes to the Far East. Even as the Beauchamp Committee sat the French were negotiating with the Dutch for them to hand over their bases to the French as well, one of which was the vital way station at the Cape of Good Hope. Pitt could not afford to allow that to happen. Das Voltas appeared to offer the opportunity for a suitable stop for refreshment for naval fleets as well as merchantmen sailing in either direction, if Cape Town, under the control of the Dutch, was not to be used.

But a curious thing happened in the middle of the Committee's deliberations. Commenting later, Beauchamp said: 'The fact was, he, as chairman of the committee, should have stated some place; but a particular circumstance occurred during the sitting of the committee, that rendered it improper for him to mention it at the time.'⁵⁷ What was he referring to? Perhaps an answer may be gleaned from a secret report received from Paris.

⁵⁶ Douglas L. Wheeler and René Pélissier, *Angola* (London, 1971), p.47.

⁵⁷ *PH*, 25, p.906.

On 5 May the British Ambassador in Paris warned the Government that the French were about to equip an expedition under the command of an extremely able sailor, the Comte de la Pérouse, with several objects in mind.⁵⁸ One object was the assessment of places for the improvement of trade and commerce with France, in areas previously undiscovered or settled:

In all the islands and harbours, occupied or frequented by Europeans, at which he shall touch, he shall consider it as a general rule, to make with prudence, and as far as circumstances and the length of his stay will allow, every inquiry, that can enable him to ascertain, with some minuteness, the nature and extent of the trade of every nation, the naval and military force which they maintain there, the ties of friendship or interest which subsists between them and the chiefs or natives of the country where they have settlements, and everything, in general, that concerns politics or commerce.⁵⁹

La Pérouse's instructions were evidence of growing French interest in the Pacific regions uncovered by Cook. Their increasing ambitions in India and the East Indies, and the close interest that La Pérouse was to pay to New Holland and New Zealand, when taken with the developments in the Far East, can only be construed as a threat to Britain's China trade. There were later reports from Paris on 9 June that La Pérouse was to establish a small convict settlement in New Zealand for the exploitation of timber resources.⁶⁰ If Britain was to secure the region then there clearly needed to be an establishment of some kind in the region to thwart the French. But Britain did not want to give that intelligence away. At the time there was a certain amount of posturing taking place between the two Governments, British and French, over the deteriorating situation in Holland. Neither wanted to give the other evidence of their strategic manoeuvres.⁶¹ To focus their report on Das Voltas would have overcome that obstacle. Nepean would have known of this

⁵⁸ FO 27/16, 277-8 and 289-90, Dorset to Carmarthen, 28 April and 5 May 1785.

⁵⁹ L. A. Milet-Mureau, (ed.) *A Voyage Round the World Performed in the Years 1785, 1786, 1787 and 1788, by the Boussole and Astrolabe under the command of J. F. G. de la Pérouse*, 3 vols (London, 1799) Vol. 1, pp. 29-41.

⁶⁰ FO 27/16, ff. 361-2, Dorset to Carmarthen, 9 June 1785.

⁶¹ For a detailed examination of this matter see chapters 7 and 8 *infra*.

development and it was natural that he should then advise the Committee accordingly. Beauchamp acquiesced.

The Committee presented their report to the House of Commons on 28 July 1785 although the draft was ready on 21 June.⁶² The report commenced by stating that the Committee had asked Lord Sydney for any papers or plans submitted to him on transportation. He had replied that there were none in his department. Any plans had been the subject of general discussions or unworthy of notice. The report went on to castigate government for the state of the gaols and hulks. It then praised the previous system of transportation to America, stating that the rehabilitation of the convicts was in most cases successful, both by removal from temptation and dint of their own hard work. It felt that if the King had shown mercy and respited a capital conviction then it was not their place to recommend transportation to any place where certain death was likely to ensue.

The committee were equally opposed to setting up a convict colony of male and female convicts that had no system of administration. Such an experiment had never been tried and was probably doomed to failure. Furthermore, it could have serious implications for trade. In any case, any settlement could only succeed in a healthy climate where the convicts would be able to provide for themselves. They then made an interesting point

That should His Majesty think fit to establish a new Settlement for enlarging the Commerce of His Subjects, the Labour of these Convicts may be employed to the most useful Purpose...That having no Hope of returning, they would consider their own Happiness as involved in the Prosperity of the Settlement, and act accordingly.⁶³

The Report went on:

⁶² The full report is in *JHC*, vol. 40, pp. 1161-5 and there are two versions in the PRO. The first, a manuscript version is in HO 42/6, ff. 459-467 and is dated 21 June 1785. A later printed version appears at HO 42/7, ff. 3-22. Both versions are identical to that in *JHC*.

⁶³ *JHC*, vol. 40, p.1162.

The Committee hope it will not be impossible to fix on such Spots for the Transportation of Criminals as may be, by the Commercial and Political Advantages to be derived from them, indemnify the Public for the original Charge – And they further hope they shall be pardoned, if they seem now and then to travel beyond the immediate Bounds of their Reference, as the Two Considerations of future public Benefit, and the Relief to be given to our Prisons, are so closely connected, that they cannot deliver an Opinion on one Part of the Subject, without stating the Grounds of it, as derived from the Information which they have received on the other.⁶⁴

It stated that the Committee had considered three areas: first, those parts of Africa which already belonged to the Crown of Great Britain, or which could be properly acquired for the purpose in question; secondly, those provinces and islands belonging to the King in America; and lastly such other parts of the globe which had, or could be, taken possession of without violating any other European nation's rights. Unfortunately their report only gives details of their findings on Africa. Having previously reported on the Gambia, which they believed had grave disadvantages, they were more comfortable with Das Voltas River, which in their opinion had promise. They thought this region would also be suitable for any American Loyalists as well, and that a force of marines would help to give 'the most absolute control over the settlers.' Africa, at the area around Das Voltas Bay, answered a number of questions for the committee. It provided a safe haven for outward and returning East Indiamen; it was capable of being self sufficient within a relatively short period; it had the possibility of attracting passing trade; it could start a triangular trade similar to that which had previously existed with North America and the West Indies. They recommended this area

Yet, as it will not answer the Purpose of annual Transportation, unless it becomes a numerous and flourishing Colony, which will require for many Years the fostering Hand of the Mother Country, the Committee recommend the Adoption of it, so far only as the Commercial and Political Benefits of a Settlement on the South West Coast of Africa may be deemed of sufficient Consequence to warrant the Expense inseparable from such an Undertaking, at the same

⁶⁴ Ibid.

Time that it restores Energy to the Execution of the Law, and contributes to the interior Police of this Kingdom.⁶⁵

In each of the three areas they had not only considered the effect of transporting convicts to each, but also the consequences for Britain's trade. Furthermore, they also considered the benefits of starting a colony, using convict labour, with initial costs being met by Government, under a system of military rule, with a long-term aim of commerce in mind. Any one of the three would have fulfilled that function but the administration was unlikely to adopt Gambia. Further evidence was now sought on the recommended area and Government moved quickly by asking Thompson, through the Admiralty, to carry out a survey of the region. He was equipped with the *Nautilus*, fitted out by the Navy Board, the whole being funded from the Treasury. Thompson sailed in September 1785. When his ship returned in July 1786 it brought bad news. Das Voltas was unsuitable. By then, however, negotiations with the European powers had moved forwards. A commercial treaty with France was nearing completion, and while Holland still posed a problem, Botany Bay could now be reconsidered in a much more positive vein.

The Beauchamp Report took into account the growing feeling in Britain that convicts should be reformed to enable their rehabilitation into society. Whether that society was at home or abroad did not matter. The growth of feeling about converting the minds of felons was gathering sway. To use the convicts at hard labour had been a partial answer when the Hulks Act came into being. This was in effect the growth of John Wesley's and other reformers' ideas. He believed that society only had itself to blame for the convict problem and that much of the problem lay at the door of the idle rich. By dealing with the isolation and independence of the poor, assisting the established church to instruct them in the ways of the Lord and the paths to repentance, by allowing the magistracy to deal with the growth in immorality, hard labour was a tool that could be useful for society. With primitive notions and little understanding of the real, various and complex nature of all the many acts that are called criminal, the reformers classed all offences as

⁶⁵ Ibid., p.1164.

'sinfulness' and as a corollary they diagnosed the broad and simple remedy for crime to be 'repentance' artificially produced.⁶⁶ There was a need to sentence the convicts to some form of labour. This was having partial success in building naval ports and defences in the rivers where hulks were moored. It had been a success in the American plantations where the labour had been used to great effect clearing forests, tilling lands, building houses and stores, and assisting the planting and cultivation of the various crops.

It was with this view in mind that the Beauchamp Committee sat. It was not just a question of ridding the country of convicts but putting them to use where they could feel valued, be rehabilitated, and although they might never return to their native land, still be of some use in their new environment. At the same time, the opportunity for commercial gain, for the benefit of the country as a whole, never left the Committee's mind. This is shown not only in the persons called to give evidence, but also the questions posed to them by the members. When this is coupled with the individual interests of the members of the Committee it is clear to see that there were commercial motives behind their thinking, and that convict labour abroad, used in making a new settlement, might also be a part of the solution to the growing prison problem at home. But the Committee recognised that convicts, young or old, were probably incapable of turning any new settlement into a thriving colony over time. That input required people who had used their abilities to further trade and make the land work for them. The ideal people for that purpose were American Loyalists. They had the necessary experience, they would be grateful to Government for their assistance in their rehabilitation, and they were likely to be hard-working. They only required the labour to turn a barren area into a fertile and fruitful one. The labour would be the convicts.

⁶⁶ George Ives, *A History of Penal Methods* (London, 1914 reprinted 1970), p.172.

Chapter 7 Pitt's financial problems and the Pacific solution

When Pitt became Prime Minister clearly one matter that he was unable or unwilling to deal with at the time was the prison problem. The money simply was not in the Treasury to put into effect the wishes of all the petitioners, that is, to re-introduce transportation. It is true that Pitt was exasperated at the lack of initiative by the local authorities up and down the country in dealing with the prison problem that had been growing since transportation had ceased to North America after the American Revolution. Over the previous ten years various Acts of Parliament had allowed for the building of penitentiaries to deal with the convict problem but nothing had been done by way of actually building them. This was hardly surprising, as the costs would then have fallen to the local authorities. But it was the taxpayers in those local authorities who were now railing against the various new taxes that the Pitt government imposed. Instead, the various towns and cities continually petitioned government for the removal of convicted felons from their jurisdiction; a resumption of the old and cheap solution of transportation was what they sought. Despite the efforts of the Home Secretary, Sydney, Government had been unable to send convicts to the places of their choosing, America, Honduras or West Africa. So Pitt had arranged a committee of enquiry, chaired by Lord Beauchamp, to find the solution.

When the Beauchamp Committee produced their final report on 28 July 1785 they made the assessment that the coast at Angra Das Voltas, north west of the Cape of Good Hope, should be purchased from the natives at an unspecified cost and British convicts transported there. The cost of this transportation was estimated to be £25 per convict for 500 convicts, or £12,500, but no account was made of the cost of the military garrison required to defend the new settlement and guard the convicts.¹ Could the government afford the expense? Only eighteen months previously it had been nearly bankrupt, as a result of the immense cost of the war in America. At the time Pitt was not prepared to commit the government to the new expense and consequently a review of the area recommended by the

¹ *JHC*, 40, pp. 1161-5.

Committee was undertaken. This bought the government the time it needed to re-examine the recommendations contained in the report, not least whether Angra Das Voltas was the correct place to send the convicts, and to ascertain better costings relative to New South Wales.

Pitt's administration was the fifth to govern England since the start of hostilities in America in 1775 and the attendant cessation of transportation, and was the third in the year 1783. This period of political turmoil started with the resignation on 20 March 1782 of Lord North,² the Minister responsible for bringing about the Hulks Act six years previously. Part of the reason for North's demise had been the defeat of British troops at Yorktown the previous year, and the economic effects of that war were still being felt by government in December 1783. North had tried, and failed, to deal with a number of domestic issues, for example an alarming rise in the National Debt, the King's influence in Parliament, economic reform of Government and the Gordon Riots, but ultimately, it was the loss of the American colonies that brought about North's downfall.

George III had difficulty appointing a new administration and it was with some reluctance that he eventually chose the Marquis of Rockingham.³ The new Ministry was not entirely in agreement, the most discordant element being Lord Shelburne⁴ who accepted the office of Secretary of State for the Home and Colonial Departments. It was Shelburne's task, as Colonial Secretary, to deal with the negotiations with the Americans prior to a formal acknowledgement of their independence. After acknowledgement it became a Foreign Office matter and under the direction of Charles James Fox. The two Ministers had a fundamentally different view on how to handle the peace negotiations. Fox wanted to recognise American independence immediately to enable resources to be concentrated on the struggle with the Bourbons. Shelburne, on the other hand, claimed that the negotiations were fully his responsibility, and he was against any formal recognition of the new America

² North had been Prime Minister since 1770.

³ Charles Watson Wentworth, 2nd Marquis of Rockingham (1730-82); First Lord of the Treasury, 1765-6, 1782; FRS 1751. A devoted Whig he resented the influence of the Crown in Government.

⁴ William Petty, 2nd Earl of Shelburne (1737-1805); created Marquis of Lansdowne, 1784.

prior to the settlement of a comprehensive peace.⁵ At a very early stage of the new administration, on 1 July 1782, Rockingham died. Whilst Rockingham's followers wanted the Duke of Portland⁶ to succeed, the King chose Shelburne instead. Fox resigned as a result and was followed out of Cabinet by the Chancellor of the Exchequer, Lord John Cavendish.⁷ This enabled Shelburne to call the young William Pitt, still only twenty-three, to replace Cavendish at the Exchequer. The King had considered Pitt for the Home Department but had been persuaded otherwise. Even so, the appointment of one so young, and to a position of such responsibility, brought a certain incredulity.⁸ Thomas Townshend⁹ was created Secretary of State for the Home Department, and Lord Grantham¹⁰ took the Foreign Office.

Parliament was in recess during most of the Shelburne Ministry's life, and in any case the Ministry was tied up with the peace negotiations with America. It was not a strong Ministry; Shelburne could count on only 140 followers whilst the Fox and North opposition probably had 210 followers between them.¹¹ It was, however, an ambitious Ministry. Its programme was outlined in the King's Speech the following December. The National Debt was to be tackled, an acute problem as the Debt had swollen considerably because of the late war. The terms for settling the navy, victualling and ordnance bills, all carrying large discounts, were also to be examined and reviewed; office establishments and payments were going to be inspected;

⁵ Stephen Conway, 'Britain and the Revolutionary Crisis, 1763-1791', in P.J. Marshall, ed., *The Eighteenth Century*, pp. 325-346.

⁶ William Henry Cavendish Bentinck, 3rd Duke of Portland (1738-1809), leader of the Whig party in the Lords. First Lord of the Treasury in the Coalition Ministry, April-Dec. 1783; Home Secretary, 1794-1801.

⁷ Lord John Cavendish (1732-96), 4th son of the 3rd Duke of Devonshire. Chancellor of the Exchequer in the Rockingham and Coalition Ministries, March-July, 1782; April-Dec. 1783.

⁸ 'We are all thrown into the utmost consternation by the apparent confusion in the British Cabinet at this time; instability of counsels will be absolute destruction. W. Pitt Secretary of State! And Lord Shelburne Premier! Surely the first cannot be qualified for such an office, and the last is, in my opinion, little to be depended upon. He certainly has not the confidence of the people.' Earl of Mornington to W.W. Grenville, 12 July 1782, (*H.M.C. Dropmore*, I, 162).

⁹ Thomas Townshend, 1st Viscount Sydney (1733-1800). Home Secretary, July 1782 to April, 1783; Dec. 1783 to 1789. Baron Sydney, March 1783; Viscount, June 1789.

¹⁰ Thomas Robinson, 2nd Baron Grantham (1738-86); Ambassador at Madrid, 1771-9; Foreign Secretary, 1782-3, in the Shelburne Ministry.

¹¹ J. Ehrman, *The Younger Pitt – the years of acclaim* (London, 1969), p.85.

and India and Ireland would feature in the government reviews;¹² but the over-riding task facing the new administration was the peace negotiations with America, France, Spain and Holland. This was an ambitious programme by any stretch of the imagination and responsibility for most of it would fall upon the Treasury and Pitt. For one so young and inexperienced in high office this was a difficult time, but Pitt's father the Earl of Chatham, had prepared him well. Rising to the challenge also enabled the young minister to gain a thorough understanding of the finances of the state, as well as Britain's financial position relative to her European neighbours. It was this thorough understanding of high finance that would enable Pitt later to tackle the very real administrative and reform procedures necessary in so many areas of government.

Pitt, when not involved in the peace negotiations being discussed within Cabinet, set about learning the details of government finance through the reports of the various Parliamentary commissions and committees, particularly those of the Commissioners for Examining the Public Accounts. Whilst inheriting some legislation from the short Rockingham Ministry that disenfranchised the revenue officers of the Crown and disqualified holders of Government contracts from sitting in the Commons, Pitt was more concerned with developing ways to overcome some of the bad practices within the Customs Department, and the perquisites available in a number of public offices. Unfortunately, Pitt's plans were not to be realised for Shelburne was to be defeated in the spring of 1783 because of his far-reaching peace plans.¹³

At the end of January 1783 Pitt, as Chancellor of the Exchequer, introduced in the Commons 'A Bill for the Provisional Establishment and Regulation of Trade and Intercourse between the Subjects of Great Britain and those of the United States of America.' Had it been passed, this Bill would have given the Americans the same advantages as British merchants

¹² Ibid., p. 89.

¹³ Ibid., pp. 84-9.

and would have overcome many of the restraints of the Navigation Acts.¹⁴ Shelburne hoped, when the treaty proposals were presented to Parliament, that the colonisation of a continent under free ordered government and directed by a completely autonomous American authority, linked to Britain by allegiance to a common Crown, would mean the growth of a great trans-Atlantic society, practising and guaranteeing for all its parts political and economic freedom. At the same time Shelburne felt that Britain should return to a former foreign policy and work in alliance with France. In trying to develop a British-American-French accord, Shelburne was trying to develop commercial intercourse rather than dissipating valuable labour in Government subsidised colonisation, as well as adding his own ideas on free trade, developed from his understanding of Adam Smith's *Wealth of Nations*.¹⁵

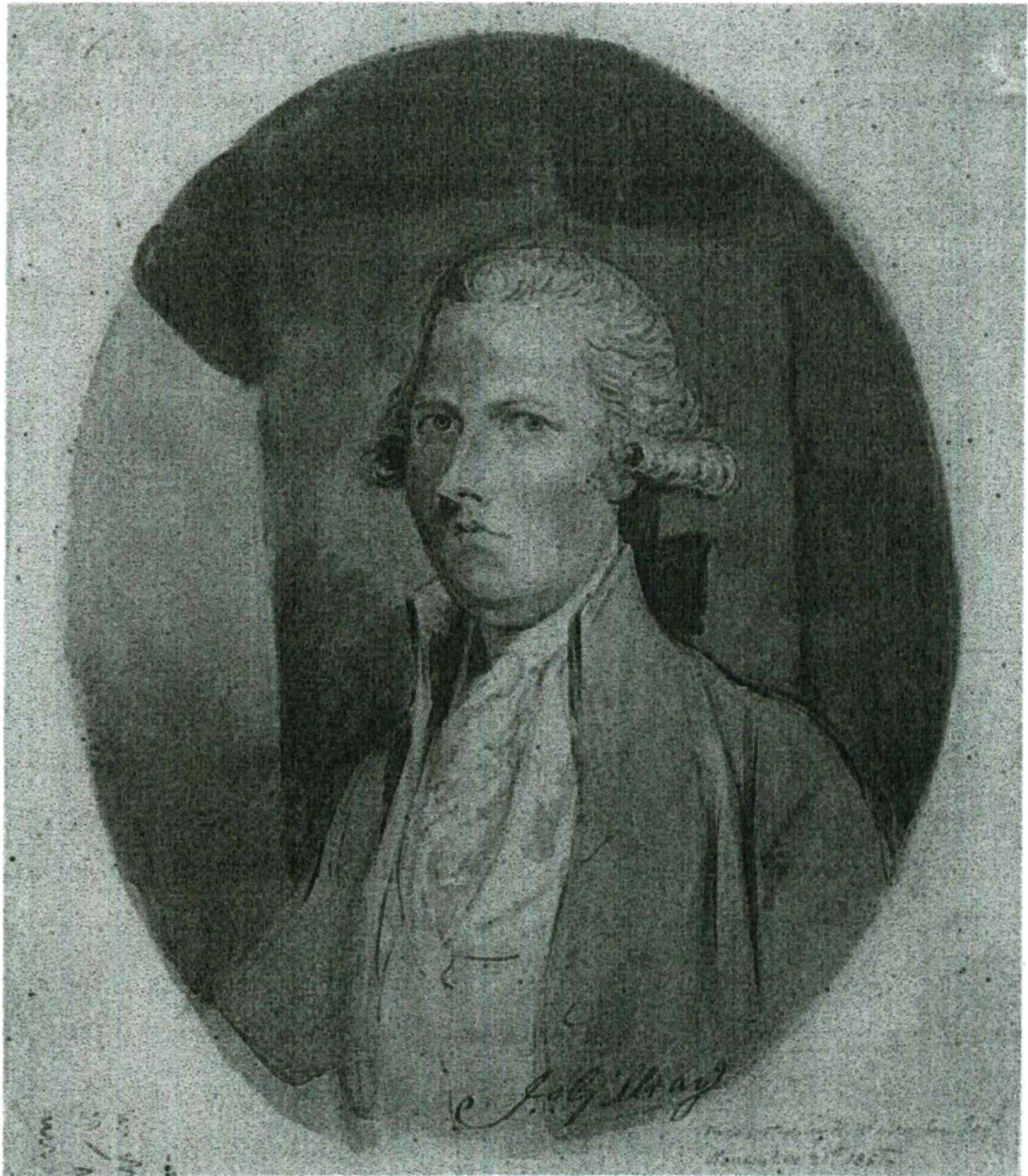
But Shelburne did not understand that the merchant influence in the House did not wish to surrender any part of Britain's Atlantic trading empire, or adopt any plan that appeared to deprive them of past privileges.¹⁶ The mercantilist spirit, which had been shaken by the American War, was still the dominant view in the House, and it was now reinforced by a pressing need to rebuild and protect the empire of trade. Little did Shelburne know that within a month of presenting the American Trade Bill the result of that dissension would be his own resignation and the start of the infamous Fox North coalition.¹⁷ But resignation would not settle the matter, for Shelburne had managed to conclude the preliminary treaties of peace with America, France, Spain and Holland before he fell, and they would require ratification by those who came after him. Explicit in those negotiations were the commercial

¹⁴ The Navigation Acts were a set of laws passed between the 1650s and 1770s. Their intention was to reserve all commerce between the colonies and Europe to British citizens (which included the colonists themselves). Certain 'enumerated' goods bound for Europe from the colonies had first to be landed in a British port and then re-exported. Similarly, 'enumerated' imports from Europe had to be routed through England. The Navigation Acts also mandated the subsidy of certain commodities in the colonies such as naval stores and indigo, and forbade the manufacture of other goods, such as fur hats. Larry Sawers, 'The Navigation Acts revisited', *Economic History Review*, XLV, 2 (1992), pp. 262-84.

¹⁵ Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, (London, 1776); Ehrman, I, pp. 93-96.

¹⁶ Marshall, *The Eighteenth Century*, pp. 579-81.

¹⁷ On 17 February 1783 the Government was defeated by 224 votes to 208, and four days later by 207 votes to 190. Shelburne resigned on 24 February.



William Pitt by James Gillray, 1789.

Reproduced by courtesy of the National Portrait Gallery, London.

settlements that each country would fight for.¹⁸ Presenting the American Trade Bill was to be Pitt's first major test in Parliament, and the first case where he would come up against the combined efforts of the merchant classes.

After Shelburne's resignation the King's first response was to select the young Pitt to be First Lord of the Treasury, admittedly after advice from Shelburne and Lord Thurlow, his Lord Chancellor. Much to the King's surprise Pitt declined. The King searched without success for a competent ally to take over the reins of government, being reluctant to approach Fox and North, who held command of the Opposition. He again approached Pitt, and after a lengthy deliberation Pitt again refused. This time he also tendered his resignation as Chancellor of the Exchequer. The King was left with little option but to turn to the Duke of Portland, proposed by both Fox and North, and offer him First Lordship of the Treasury. North and Fox then became the Secretaries of State.¹⁹

The coalition, outwardly very strong, was thoroughly unpopular from the start, and not helped by Fox's great friendship with the Prince of Wales and his proposals to pay the Prince's extravagant debts.²⁰ But the main business undertaken by the coalition concerned the reworking of the Government of India and the supervision of the East India Company. Fox's India Bill was debated on three occasions in the House of Commons, and passed on each occasion by a sizeable majority.²¹ But, inevitably, the Company's representatives in Parliament built up a powerful opposition to the new Bill and with the assistance of George III, who exerted Royal pressure on the members of the Lords, the Bill was defeated in the Upper House. Until Lord Temple's revelation that the King disapproved of the Bill there was good cause to believe that it would easily pass its third reading in the Lords, but that was not to be the case and the Bill was thrown out of the Lords on 17

¹⁸ Ehman, I, p.96.

¹⁹ Ibid., p.104. North became Home Secretary and Fox the Foreign Secretary.

²⁰ George III who settled an allowance on the Prince, as well as the revenues from the Duchy of Cornwall thwarted that proposal.

²¹ On its second reading on 3 December the Bill passed by 217 votes to 103; on the third reading on 8 December it passed by a majority of 208 to 102.

December by a majority of 95 votes to 76.²² George III then dismissed the government he had never wanted and again invited Pitt to be his Prime Minister. This time Pitt accepted; he was still only twenty-four years of age.

Once Pitt was selected to be George III's Prime Minister he set out to deal with all the matters that previous administrations had failed to resolve. He overcame opposition to his selection, stemmed the slide of the nation into bankruptcy, attempted a sound but ultimately flawed trade agreement with Ireland, completed a commercial treaty with France and generally ensured that Britain once again became feared amongst her European neighbours. He also put in place measures that would permanently deal with many prisoners, partly assuaging the fears of the Enlightenment lobby, while at the same time providing a permanent military force on the far reaches of the Empire. But the first of a number of formidable tasks he faced was to form a viable administration.²³

As was customary when the Prime Minister was in the Commons, Pitt proposed to combine both the offices of First Lord of the Treasury and the Chancellorship of the Exchequer. His cousin, Temple,²⁴ was given the seals of both Secretaryships of State as Pitt was finding it impossible to appoint a suitable colleague, but Temple resigned after only three days throwing further confusion on Pitt's plans.²⁵ In the end he had to settle upon Lord Sydney as Home Secretary. Sydney had been Home Secretary in Shelburne's administration but was considered not 'strong enough'. He almost had to be coerced into taking office and within days of doing so expressed a desire to

²² On 15 Dec. 1783 Lord Temple had revealed to other members of the House of Lords that a few days previously, on the 11th, the King had given him a paper authorising Temple to declare the King's view 'that whoever voted for the India Bill was not only not his friend but would be considered by him as an enemy.' The effect was both instantaneous and dramatic.

²³ The biographical details of members of Pitt's Cabinet are taken from the *DNB*, Ehrman, I, pp. 183-7, or A. Aspinall, ed., *The Later Correspondence of George III* (Cambridge, 1962), hereafter *LCG* unless otherwise stated.

²⁴ George Nugent Temple Grenville, 1st Marquis of Buckingham (1753-1813), second son of George Grenville, the Prime Minister; succeeded his uncle as Earl Temple, 1779; Marquis of Buckingham, 1784; Lord Lieutenant of Ireland, 1782-3, 1787-9.

²⁵ Temple resigned to avoid impeachment for using the King's influence to affect voting in either House of Parliament. He wrote on 18 Jan. 1784, 'My resignation was in consequence of my own peculiar situation, for I should have been the last to give up my part of the struggle against the formidable inroads of a faction, if circumstances of delicacy had not pressed it.' Add. MSS. 40733, f.82.

be transferred to an easier post.²⁶ He was considered only an average politician, assiduous, a fair debater, but not noted for his ability. He was the father-in-law of Pitt's elder brother John, the 2nd Earl of Chatham. For his second Secretary of State Pitt appointed the Marquis of Carmarthen,²⁷ who had previously held appointments in the King's Household. He too, would have preferred something less arduous and responsible.²⁸ He was considered an amiable, impulsive young man, fond of theatricals and light verse. He did not manage any great political achievements while in office. Although he prided himself on his ideas he resigned in the end because Pitt ignored his advice. Thurlow²⁹ was appointed Lord Chancellor and Viscount Howe,³⁰ First Lord of the Admiralty. Thurlow was a formidable figure in the upper House, considered to be the King's man and in Cabinet at the King's insistence. Howe was aloof from the rest of the Cabinet and on distant terms with Pitt himself. Earl Gower³¹ was made Lord President of the Council and brought experience, connections and prestige. The Duke of Rutland³² temporarily accepted the office of Privy Seal until he returned to Ireland as Lord Lieutenant in February 1784. Gower, whose own position was taken by Camden,³³ succeeded him. Two supporters and friends of Pitt failed to gain

²⁶ LCG, I, pp. xxvi, xxviii.

²⁷ Francis Godolphin Osborne, 5th Duke of Leeds (1751-99); styled Marquis of Carmarthen, 1761-89, succeeded to the Dukedom 23 March 1789. At first Carmarthen declined Pitt's offer of the Foreign Secretaryship thinking himself unequal to a task of such importance. (O. Browning, ed., *The Political Memoranda of the Duke of Leeds* (Camden Society, New Series, XXXV, 1884), p.91, hereafter *Leeds*.)

²⁸ LCG, loc. cit.

²⁹ Edward, Lord Thurlow, (1732-1806) was considered to be a friend of George III and an opponent of Pitt. By 1788 Pitt considered him not only lukewarm, intractable and inefficient, but also a treacherous counsellor in his Cabinet. This was especially true in Thurlow's private dealings with the friends of the Prince of Wales during the Regency crisis in 1788. Pitt declined to reveal this treachery to the King during his illness. Edward Foss, *The Judges of England*, 10 vols (London, 1864), VIII, p.383.

³⁰ Richard, Earl Howe (1726-99), the Admiral. 4th Viscount, 1758; British peerage, 1782; Earldom, 1788. Considered to be unpopular both by the Navy and in the House of Commons.

³¹ Granville Leveson-Gower, 1st Marquis of Stafford (1721-1803); succeeded his father as Earl Gower, 1754. Wraxall considered him to be the least efficient of the new Cabinet and a close friend of Thurlow. Sir Nathaniel Wraxall, *Historical Memoirs of My Own Time*, 5 vols (London, 1904), I, p. 167, hereafter *Wraxhall, Memoirs*.

³² Charles Manners, 4th Duke of Rutland (1754-87), grandson of the 3rd Duke. He was Lord Privy Seal only from Dec. 1783 – Feb. 1784, then Lord Lieutenant of Ireland, Feb. 1784-7. He was a devoted supporter of Pitt.

³³ Sir Charles Pratt, 1st Baron (1765) and 1st Earl (1786) had been Chancellor in Chatham's government, and President of the Council in both the Rockingham and Shelburne Ministries.

Cabinet rank – Henry Dundas³⁴ and his first cousin, William Wyndham Grenville³⁵ – but Pitt had other plans for them, which he would use to extraordinary good effect over the coming years. Pitt was the only member of Cabinet in the House of Commons. The new Government was not expected to last very long.³⁶

Pitt was acutely aware that he did not command a majority in the Commons when he first came to office. In order to govern he needed to take the independent country gentlemen on board in support of his new ideas. The only alternative, and the King's chosen option, was for a general election. This would mean a great deal of expense and trouble for the independents, with the possibility of loss of their seats. As a group the independents were disposed to give any new Ministry a fair trial and they believed that the administration should be composed of the best men of all parties; party differences, they believed, were a weakness to the nation. Pitt felt that given time he could also persuade the Opposition supporters to move away from Fox's camp towards his own. Once he had achieved a substantial shift in allegiances only then would he consider a general election.³⁷

Pitt eventually managed to obtain the support in Parliament he needed to go to the country. In the general election of March 1784 he won a majority of 283 to 136 and made significant gains in the larger boroughs and in many country seats.³⁸ Having obtained that support he could now deal with the major issues facing the Administration. Although he had a majority in the House of Commons, however, for most purposes he was not in such a strong

³⁴ Henry Dundas, 1st Viscount Melville (1742-1811), MP for Edinburghshire, 1774-1802; Treasurer of the Navy, 1782-April, 1783, and Dec. 1783-1800. Created Viscount, 1802. He was a close personal friend of Pitt.

³⁵ William Wyndham Grenville, Baron Grenville (1759-1834), youngest son of George Grenville, the Prime Minister. Vice-President of the Board of Trade, 1786, entered the Cabinet as Home Secretary in 1789. Prime Minister 1806-7. At this stage he was only 24. He was the brother of Lord Temple and was made a member of the new Board of Control.

³⁶ 'They have lost all character, and are considered as a set of children playing at Ministers and must be sent back to school, and in a few days all will have returned to its former course'. Sir Gilbert Elliot to Hugh Elliot, December 1783, *Life and Letters of Sir Gilbert Elliot, 1st Earl of Minto, 1751-1806*, 3 vols. (London, 1874), pp. 89-91.

³⁷ Ehrman, I, pp. 133-40.

³⁸ *Ibid.*, pp. 146-53.

position that he could carry whatever legislation he wanted. He still had to rely on the Court interest and the goodwill of the independents. But because Cabinet was so small, Pitt could concentrate on the entire range of domestic and overseas issues. Executive authority became more and concentrated in his hands and on all matters he was able to achieve a close co-ordination, if not necessarily a hands-on policy, that had hitherto been lacking.³⁹ The two biggest issues that Pitt needed to tackle were finance and trade, and it is these fundamental issues that various historians⁴⁰ appear to have forgotten when claiming the convict issue was a matter of urgent national importance in 1786. For if Pitt did not tackle these two issues he would be unable to deal with any of the domestic or foreign matters that came to a head after the American War.

Pitt had inherited an enormous National Debt, which had risen from about £128 million in 1774 to just under £243 million by 1784, an increase of 90 per cent.⁴¹ The annual charge on the debt was costing the country just over £9 million out of an annual income which had only risen to between £12 and £13 million. This gave rise to a very real fear of national bankruptcy. Forty years later William Grenville was to write 'the nation gave way...to an almost universal panic on this subject.'⁴² The main running expenses of the Government had been impeded by the cost of the armed forces during the late war, reputed to have been nearly £13 million in 1783,⁴³ whilst the cost of central Government itself remained fairly static at £1¼ million. Although the cost of running the armed forces would be considerably lower in 1784 Pitt still reckoned that he needed £7½ million. Added to these figures were the short-term debts, in the form of navy bills and ordnance debentures issued during

³⁹ Between 1784 and 1793 most of the important despatches of government were written in Pitt's hand, albeit signed by Sydney, Carmarthen or Grenville. *Leeds*, p. v.

⁴⁰ O'Brien, Hancock, Clark, Atkinson and Mackay for example.

⁴¹ National statistics may be found in B.R. Mitchell and Phyllis Deane, *Abstract of British Historical Statistics* (London, 1962); Phyllis Deane and W.A. Cole, *British Economic Growth 1688-1959: Trends and Developments* (London, 1968); and, Elizabeth B. Schumpeter, *English Overseas Trade Statistics 1697-1800* (London, 1960). It is not the intention of this thesis to present a critical examination of finance at this time, rather to give an overview of the main financial problems and how Pitt tried to overcome them. The main points cited may be found in Ehrman, I, ch. 10.

⁴² Lord Grenville, *Essay on the Supposed Advantage of a Sinking Fund* (London, 1821), p.19 cited in Ehrman, I, p.158.

⁴³ Ehrman, I, p.239.

the last years of the war, considered to be in the region of £14 million.⁴⁴ Coupled with all these matters was the deficit in the Treasury balance. This amounted to just under £11 million on a net expenditure of about £23½ million. Although the financial accounting of the period did not allow anything approaching the accuracy of today Pitt knew that he had major problems.⁴⁵

Pitt must have felt that the government was in an increasingly difficult situation. It had to pay an annual charge to service the annual deficit, which in turn was increasing the annual debt on which the annual charge had to be paid. Pitt had to reverse this process. If he could not bring about a change economically, he would be unable to tackle other issues, such as the convict issue. Pitt chose to tackle the financial problem in three distinct ways: to curb expenditure; to raise the yield from existing taxes; and, to levy further taxes. All three required an efficient administration for a successful outcome.

New taxes were usually introduced with the budget and could not always be applied immediately. Pitt, therefore, turned his mind to ensuring that income theoretically due actually reached the exchequer by promoting greater efficiency in collection. The preliminary work had already been started when he was Chancellor under Shelburne, and had been continued by the Coalition government. A committee appointed by the House during the Coalition had made certain recommendations on which Pitt could act. His first target was smuggling. Ehrman has calculated that the annual losses to the revenue through smuggling may have been as much as £2 or £3 million, while Evans argued that as much as one fifth of all imports were smuggled into the country.⁴⁶ Smugglers seemed to roam with impunity and Pitt either had to increase the Customs and Excise staff to tackle the problem (not a good idea when he was trying to curb administration costs) or remove the benefits to the smuggler; he chose this latter course. Pitt resolved to make smuggling unprofitable by reducing the levels of taxation on the main goods

⁴⁴ Ibid., p.240. A good explanation of the difficulties faced by government in settling some of the military bills is contained in Norman Baker, *Government and Contractors – the British Treasury and War Supplies, 1775-1783* (London, 1971), especially chapter 6.

⁴⁵ Ehrman provides a note of caution by stating that the figures quoted were taken to the nearest thousand pounds and were originally compiled in the mid-nineteenth century.

⁴⁶ Ehrman, I, p.241; Eric J. Evans, *William Pitt the Younger* (London, 1999), p.18.

that attracted the attention of smugglers. By so doing he would make an already risky trade extremely unprofitable. His main target was tea. It was estimated by the East India Company (the main source of tea in Britain) that as much as 7½ million pounds weight of tea or nearly two-thirds of total consumption were smuggled, although the Excise thought the figure closer to 7 million pounds. Pitt's sources put the figure as low as 3 million pounds.⁴⁷ Whatever the figure, somewhere between 3 and 7 million pounds, the loss to the Exchequer was considerable, and smuggling of tea was undermining the precarious finances of the Company.

In 1784 Pitt introduced the 'Commutation Act',⁴⁸ which reduced the import duty on tea from an average of 119 per cent to 12½ per cent *ad valorem*. However, Pitt knew that the fall in duties would not only hurt the smuggler but also the revenue, perhaps by as much as £1½ million per year. For the Commutation Act to be effective adequate tea stocks were necessary and stocks guaranteed, and the new legislation imposed those conditions on the East India Company.⁴⁹ There would also be a massive gain to the East India Company in sales and shipping.⁵⁰ But in the first instance and to ensure adequate stocks of tea the government needed to purchase stock from Europe. A secret government deal was arranged with Dutch merchants provided that no tea was purchased elsewhere in Europe. This worked, although both the Company's Court of Directors and the purchasing

⁴⁷ Ehrman, I, loc. cit. The amount of tea that passed through customs in 1784 was 4,962,000 lb. A year later it was 16,307,000 lb. Although the preciseness of these statistics should be treated with caution they nevertheless make a good case for Pitt's actions. T.S. Ashton, *An Economic History of England: The 18th Century* (London, 1955), p.165.

⁴⁸ 24 Geo. III, c.38.

⁴⁹ Section five of the Commutation Act described the framework within which the East India Company was to import and sell tea. It was required (i) to import sufficient tea to supply the domestic market, (ii) to maintain in its warehouses a quantity equal to one year's consumption, (iii) to hold public sales by auction four times a year 'at equal distance of time', (iv) to put up tea for sale at prices which should not exceed the prime cost, the freight and charges of importation, the lawful interest of capital from time of the arrival of such tea in Britain, and the common premium of insurance, and (v) to sell such tea 'without reserve to the highest bidder, provided an advance of one penny per pound should be bid upon the [put-up] prices'. For the first four sales the put up prices were specified in the Act. H. Cheung and Lorna H. Mui, 'The Commutation Act and the Tea Trade in Britain, 1784-1793', *Economic History Review*, Vol. 16 (1963), pp. 234-53.

⁵⁰ The reduction in tax increased the East India Company's sales from 6,500,000 lbs. to 16,300,000 lbs., and the demand for tonnage in the Company's China service was thereby increased from 6,000 to 18,000 tons a year. C. H. Philips, *The East India Company, 1784-1834* (Manchester, 1940), p. 82.

committee were kept in the dark. When they eventually realised what was happening they cancelled the contract with the Dutch merchants, but it was too late, stocks were more than adequate and plans had been put in place to ensure the purchase of tea in Canton would be almost exclusively by Britain.⁵¹ By 1788 more than 13 million pounds of tea passed through the Customs, and by 1789 the Company had a near monopoly of tea throughout Europe.⁵² The City of London welcomed the detail of the Commutation Act for it meant at the very least that a further twenty ships would be required for the China tea-trade.⁵³ It also enabled the country to neutralise the illicit tea-trade carried on with Britain by the French and Dutch.⁵⁴ The trade figures showed the strength of Pitt's strategy; tea imports worth £403,000 in 1783 rose to £1,337,000 in 1785 and £2,144,000 in 1786 and remained more or less at that level for the next ten years.⁵⁵

Pitt now sought to impose taxes on a range of other goods, and, knowing that luxury goods were more likely to be wanted by the wealthier classes who could afford the increases, taxed luxury items like ribbons, hats, hackney carriages, hair powder, even the franking of letters. The poor were unlikely to use these articles, although Pitt then went further and imposed taxes on everyday articles like candles, which they were likely to need.⁵⁶ Pitt decided to apply his methods in other areas as well. Wines, spirits and tobacco were the targets. On wine and spirits he again lowered duties, and with tobacco transferred responsibility to the Excise. The resulting yield on wines rose from £625,000 in 1783 to £804,000 in 1790, that on spirits from £561,000 in 1784 to an average of £915,000 in 1787-90, that on tobacco from an average of £424,000 in 1786-9 to an average of £590,000 in 1789-92. The Parliamentary Committee of 1783-4 had estimated that the revenue might benefit by some £2 to £3 million if smuggling could be checked. Pitt's calculations in 1792 tended to show that the Exchequer had gained by about

⁵¹ H. Cheung and Lorna H. Mui, 'William Pitt and the Enforcement of the Commutation Act, 1784-1788', *E.H.R.*, Vol. LXXVI (1963), pp. 234-53.

⁵² Ehrman, I, pp. 246-7.

⁵³ See note 50 *supra*.

⁵⁴ Rose, p.185. In terms of overall weight, imports increased from 4,742,000 lbs in 1783 to 14,765,000 lbs by 1788. Mitchell and Deane, *Statistics*, p. 355.

⁵⁵ Mitchell and Deane, *op. cit.*, pp. 286-8.

⁵⁶ Evans, *Pitt*, pp. 18-19.

£1 million directly, and by £2 million indirectly, by turning an illicit trade into a lawful one.

However, the Government was worried that if too many taxes were imposed on too many articles it would affect all classes of people and might result in riots among the population, particularly the poor. At the same time another group of people began to flex their muscles over increased taxation, and these were the manufacturers. Increased taxes would mean increased prices for the consumer and this upset the manufacturers who did not wish to impose those burdens on their customers. Cotton men from Manchester, iron founders from the Midlands, and shopkeepers from London, all petitioned to have new taxes removed, with some degree of success.⁵⁷ However, by imposing a vast number of different taxes, on all sections of society, in a variety of different ways, Pitt hoped to balance his budget and obtain a surplus. He also believed that if Britain was able to reduce her national debt, while in Europe most of the continental powers were ruinously increasing theirs, then Britain would have the upper hand should there be another war.⁵⁸ This was what came to pass, as we shall shortly see.

Having raised the yield from revenue and levied further taxes Pitt could now tackle the National Debt. His answer lay in a sinking fund.⁵⁹ Just before coming to power the Parliamentary Commissioners for Examining the Public Accounts had produced their eleventh report, on the funded debt. Their remedy for reducing the debt was

The Creation of a Fund, to be appropriated, and invariably applied, under proper Direction, in the gradual Diminution of the Debt: This Fund must be the Surplus of the Annual Income, above the Annual Expences of the State, to be obtained and increased by the Extension and Improvement of the Sources of Revenue, and by a frugal Administration of the Produce.⁶⁰

⁵⁷ J.M. Norris, 'Samuel Garbett and the Early Development of Industrial Lobbying in Great Britain', *ECHR*, 2nd series, Vol. X, pp. 450-60; Ehrman, op. cit., p. 254.

⁵⁸ Rose, p.318.

⁵⁹ A sinking fund had existed since the days of Walpole although it had had a varied and chequered history.

⁶⁰ *JHC*, Vol. 39, p.782.

This report gave Pitt the background material he needed to carry the measures through. Various schemes were suggested, all in the hope of raising a surplus of £1 million by 1786, which could then be applied to the sinking fund. Pitt issued loans that he threw open to public subscription instead of being apportioned amongst a select group of individuals, a change that was considered both just and economical. Pitt's own estimate was that he could raise £900,000 in this way; so he levied taxes for the remaining £100,000. The fund was then removed from the control of Ministers and of Parliament, and placed under a body of Commissioners for Reducing the National Debt.⁶¹ Although there was some opposition to Pitt's plans, a Bill to this effect was passed in May 1786.⁶² There were few people really able to argue with Pitt for he was trying to tackle the National Debt in the best way possible, without seriously raising taxes, which in any case would have caused a public outcry. The new Act was a success. The Commissioners received just over £8 million in the peacetime years before 1793, and as a result the same Commissioners were able to purchase over £10 million of stock. But other things also had to happen for it to be a success. A sinking fund required an annual surplus from revenue. A surplus required an economy in Government and, still more, a higher yield from taxes. Effective taxes required a healthy economy. A healthy economy, for Britain, rested largely on overseas trade.⁶³

Through his enquiries and Commissions Pitt learnt a number of things, notably that Government is only as good as all its parts. Ministers had slender resources, which had to be carefully deployed. Effective staff were difficult to find and small in number. Holders of sinecures sometimes did little

⁶¹ W.S. Hathaway, ed., *The Speeches of the Right Honourable William Pitt in the House of Commons*, 3rd ed., 3 vols (London, 1817), I, p.218, 'Yet not only the public and this House but other nations look to the business of this day; for by the establishment of what is now proposed, our rank will be decided amongst the powers of Europe...To behold this nation looking boldly its situation in the face and establishing upon a spirited and permanent plan the means of relieving itself from all its encumbrances...will astonish the nations around us, and enable us to regain that pre-eminence to which we are on many accounts so justly entitled.' Speech on the budget 29 March 1786; see also Ehrman, I, p.265.

⁶² 26 Geo. III, c.21.

⁶³ Ehrman, I, p.158.

or nothing, some were absentees, and there were only a very small number of active men in responsible posts. Information was hard to gather and business was easier at certain times of the year, when Parliament was not in recess.⁶⁴ Minor impediments could delay any restructuring no matter how keen the desire. Unfortunately Pitt had appointed two relatively weak Secretaries of State, and therefore had to direct much policy himself. He drafted most of the important despatches and sometimes became personally involved when a matter particularly interested him.⁶⁵

Furthermore, if Pitt was unsure of the answer to a problem he was prone to delay. Although he could be vigorous and thorough, he could also be volatile or evasive; it depended on whether the subject matter interested him. In his first administration he focussed on finance and trade. He tended to work with a small group of men he trusted, some more than others. Dundas and Grenville were two people he relied upon greatly, as well as Jenkinson,⁶⁶ chairman of the newly formed Committee of the Privy Council on Trade and Plantations (hereafter the Board of Trade). In addition, there was a small group of men, or civil servants, that Pitt called upon regularly or intermittently, especially when a particular problem was bothering him; Nepean and Fraser at the Home Office and the Foreign Office; Orde in Ireland; Eden, Harris and Ewart among the envoys; William Fawkener of the Board of Trade and the Privy Council, Thomas Irving at the Customs; Middleton at the Navy Board; Rose and Lowndes at the Treasury. He was also prone to seek out the necessary information he required by himself. He visited the City of London to consult the tea merchants; he went to the Navy Office to keep abreast of the shipbuilding programme; he went to the East India Company to ascertain trade matters. He did not like to make his mind up until he had delved fully into a case, examining the facts presented and

⁶⁴ John R. Breihan, 'William Pitt and the Commission on Fees, 1785-1801', *Historical Journal*, vol. 27 (1) (1984), pp. 59-81.

⁶⁵ Ehrman, I, pp. 308-10.

⁶⁶ Charles Jenkinson, 1st Earl of Liverpool (1729-1808); created Baron Hawkesbury, 1786, and Earl of Liverpool, 1796. Jenkinson was a staunch supporter of the King and a long-standing MP (since 1761) during which time he had developed an almost unrivalled knowledge of trade, shipping, tariffs and currency, and developed wide contacts with those who had commercial or industrial interests. Harlow, *Founding of Second British Empire*, II, pp. 251-3.

seeking an alternative solution that may not have occurred to anyone previously.⁶⁷ In respect of trade he called upon Jenkinson to conduct a thorough examination of all matters affecting the trade of Britain, first of all in relation to America, Canada and the West Indies, and thereafter with every country, island, settlement or colony with which Britain conducted business. He also sought views on the fisheries, hemp and flax, free ports and nearly every item that Britain exported or imported from elsewhere.⁶⁸ This was to be the most thorough and comprehensive review into Britain's trade ever conducted.

In Pitt's eyes, it was only by successful commercial treaties that he could hope to increase the national wealth. Pitt saw, in the resolution of such treaties, a means of avoiding war. He had read Adam Smith's *Wealth of Nations*⁶⁹ and believed that trade wars between nations only raised barriers against the entry of each other's goods and imposed tariffs that became difficult to overcome. This had led to the mercantilist system whereby the amount of silver and gold held by a nation became the measure of its wealth. According to Smith, each nation's attempts to get a hold of another nation's bullion, often led to war. It is particularly important to remember this point, for the only way that Britain, or indeed any other European nation, could undertake business with China was by the exchange of gold or silver bullion for goods.⁷⁰ Neither Britain nor her European neighbours could afford to go to war again, so, in his first administration Pitt was to be heavily involved in bringing to a close various measures to overhaul Britain's trade, not all successful, and by 1792 had entered trade negotiations with at least eight other European countries.⁷¹ The reasoning behind Pitt's thinking was that he needed to place Britain at the forefront of trade again, a position that had been seriously eroded after the American War of Independence. By far the most important commercial treaties were those that concerned France, Spain and Holland. Pitt saw the greatest threat from these three, who each believed

⁶⁷ Ibid., p.325; Frost, *Convicts*, p. 78.

⁶⁸ See Board of Trade minute books 5/1, 5/2 and 5/3.

⁶⁹ Published in London in 1776.

⁷⁰ Margaret Steven, *Trade, Tactics and Territory* (Melbourne, 1983), p. 14.

⁷¹ Ehrman, I, p. 477.

that Britain was finished, both commercially and diplomatically, after the American war. Pitt had to prove them wrong. It was for these reasons that he required Jenkinson to undertake his thorough review of trade and Dundas to perform the same function with the East India Company. Once he had the information, not only on the state of Britain's trade, but also that of her competitors, then he could negotiate with the other powers.

Realistically he knew that he could only accomplish difficult trade negotiations after he had dealt with the East India Company, for the role of that Company impinged in some way on his efforts to deal with Britain's main European rivals. As it was the issue that had brought him to power, so it was the issue that he dealt with first. India had become in the second half of the eighteenth century one of the main sources of income for Britain's growing commercial empire, but the administration of the Indian empire remained in the hands of the East India Company, which also had monopoly trading rights. This anachronism had led to severe financial irregularity and blatant corruption so that by the early 1780s parliament sought to overturn the Company operations.⁷²

The political turmoil at the time saw the evolution of two main solutions. The first favoured placing power in the hands of parliamentary commissioners in London who would superintend all Company operations and appointments from Britain. The second supported the notion of strengthening royal control over the Company in India itself by enhancing the power of crown appointments on the sub-continent. The vehicles for both solutions were two parliamentary committees of inquiry – one select, the other secret. The former was led by Edmund Burke, Charles James Fox and Lord North. They believed that control of the Company should be by parliament in London, a situation that would have given them enormous powers of patronage. The latter, secret committee, had Henry Dundas, Lord

⁷² A detailed discussion of the attempts to introduce legislative control of the East India Company is contained in Vincent Harlow, *The Founding of the Second British Empire – Volume 2* (London, 1964), esp. chapters 2 and 3. Further commentary may also be found in P.J. Marshall, *Problems of Empire – Britain and India 1757-1813* (London, 1968).

Shelburne and William Pitt, who wished to reinforce the power of the crown in India, exerting control over Company operations, *in situ*.⁷³

The Pitt faction eventually won the debate and Pitt's India Bill became law in August 1784.⁷⁴ The keystone of the new Act was the Board of Control. It would consist of six unpaid privy councillors 'to superintend, direct and control all acts, opinions and concerns which in anywise relate to the civil or military government, or the revenues of the British territorial possessions in the East Indies'.⁷⁵ The Board of Control would oversee and approve all despatches between the Company and native powers.⁷⁶ The power of war and peace was now transferred to the State. A strong Governor-General was to be appointed for British India as a whole with the right of veto over the three presidencies - Bengal, Bombay and Madras.⁷⁷ The Company would still be involved in revenue collection and the transfer of monies home. The government had now assumed control of the political and diplomatic powers of the Company leaving it to concentrate on trade.⁷⁸ Nominally the Home Secretary, Sydney, was the new chairman at the Board of Control. But he proved inadequate to the task, unimaginative in constructive ideas for dealing with Company affairs, and dilatory in handling his official correspondence.⁷⁹ Dundas, to all intents and purposes, took over the chairmanship of the Board of Control and over the coming years increasingly exerted his influence over the Directors of the Company. By July 1787 he was able to write, 'When the last ship of this season leaves, which it will in a few days, I shall not leave an unanswered letter on the table of India House, which I found many years in

⁷³ Evans, *Pitt*, p17; Philip Lawson, *The East India Company* (London, 1987), pp. 122-5.

⁷⁴ 24 Geo. III, c.25.

⁷⁵ Michael Fry, *The Dundas Despotism* (Edinburgh, 1992), p.117.

⁷⁶ The Board of Control initially consisted of Pitt, Sydney, Dundas, William Grenville, Lord Mulgrave and Lord Walsingham. Nominally Sydney was President but Dundas took charge and over the next four years he presided at almost two out of every three meetings. Walsingham rarely attended and Mulgrave was probably selected for his military advice. Pitt only became a regular attender after September 1785. Harlow, II, pp. 158-61.

⁷⁷ Charles, 1st Marquess and 2nd Earl Cornwallis (1738-1805), second in command of the British forces in North America, 1778, and who capitulated at Yorktown in 1781, was the person chosen by the crown, Board of Control and Directorate of the East India Company to oversee the reforms in India.

⁷⁸ Lawson, *op. cit.*, p.124.

⁷⁹ A.F. Madden, 'The Imperial Machinery of the Younger Pitt', *Essays in British History*, H.R. Trevor-Roper, ed., (London, 1964), p.180; Harlow, II, p.159.

arrears, and in future every ship that sails will carry out as regularly as the post the answer to the despatches of the former ship.⁸⁰

Initially Pitt attended few of the Board meetings, but by late 1785 he was a frequent attender. As a result despatches, either to the Directors or to India, came to have Pitt's imprint upon them.⁸¹ Neither Pitt nor Dundas was a fool. Both knew that they still needed to work with the Company, especially its members in parliament, if they were to hold onto power. The by-word was control, not rule. Nevertheless that still left Dundas with the problem of dealing with the Company debts, for they also affected the national economy. First, the Board had to find out the actual state of the Company finances, for Pitt knew that in order to fill Government coffers at home, stable and economic trade links abroad were necessary. That was where the cash or goods would come from. In 1785 Dundas discovered that the debts in India were astronomical and that the Company, far from being on a sound footing, was virtually bankrupt. By the end of 1785 the debt in Bengal was reputed to be £4,036,721; in Madras at the end of October that year it was reported as £1,878,198; in Bombay on 30 April £3,376,010. In Bencoolen it was nearly £75,000. Together this debt amounted to £9,364,496.⁸² Dundas, therefore, felt it necessary to transfer this debt to London, and have it paid off in yearly instalments.⁸³

But this was only part of Pitt and Dundas's plan to secure a vast trade throughout the East Indies, especially in India, China and the Malay Archipelago. As Britain's trade with India and China developed Dundas sought to divert the export of Indian goods away from centres in Europe to London, to promote the sale of British manufactures in India with the aid of private enterprise, and to persuade the Chinese government to open the doors to northern China which was considered a potential market for British

⁸⁰ Fry, *Dundas*, p. 118.

⁸¹ Madden, *op. cit.*, p. 182.

⁸² OIOC H/338(7), f.78. By 1792 Harlow states that the debt in Bengal alone had risen to £6,643,622. Harlow, II, p. 485.

⁸³ Harlow, II, p.486. Although the debt was paid off by 1804, the liquidation scheme caused a new debt of £30 million during the same period. Fry, *Dundas*, p. 120.

woollens.⁸⁴ There was a desire to change the method of doing business and in this respect Dundas felt that China tea, as well as other Chinese goods, could be purchased with British and Indian goods rather than with bullion.

Pitt and Dundas were also aware that British manufacturers were unhappy at the proliferation of Indian and Chinese goods coming onto the market, without a corresponding export of British goods to those same locations. But there was a basic problem with that thinking; the Indians did not want British goods, preferring the cottons and silks woven in India instead. The merchants were also concerned that outward-bound ships to the Indian sub-continent were carrying very little except bullion.⁸⁵ There was a further arm to the merchants' argument. Only the East India Company supplied Britain and most of Europe with Indian goods and so created unfair competition with British exports. The British manufacturers sought to overturn the East India Company monopoly in the region. They argued that a lessening, at the least, of the monopoly would only help enhance Britain's trade balance and help to overcome the defects and corruption of the private trade of the Company's employees in India.⁸⁶ Pitt also realised that the Far East had its own specific trading links, which Europeans had managed to penetrate to some extent, otherwise known as the 'Country' trade. There was in addition a certain amount of 'private' trade in the region, carried out by the sea officers of the Company with the Company's sanction. It was these latter two versions of trade that were supplying goods for the Chinese market, for though China did not want British goods there was a demand in that country for articles sold on the open market throughout the Malay Archipelago. The East India Company servants had managed to gain a foothold in this market and it was where they were able to make their massive profits.⁸⁷ Pitt wanted to harness that opportunity, for by so doing he would reduce the amount of bullion exported and reduce the need for such methods of payment.

⁸⁴ Ibid.

⁸⁵ Fry, *Dundas*, p. 125.

⁸⁶ Harlow, II, pp. 488-90.

⁸⁷ Fry, loc. cit.; Harlow, loc. cit.

The trade of the British manufacturers had fared particularly badly during the American War. America was an important area for the sales of British goods as well as being an essential source of raw materials, but it was not the only one.⁸⁸ American cotton and Spanish wool were major imports in 1785 together with raw silk from the Far East and sugar from the West Indies. Flax, hemp and linen were sought every year from wherever they could be obtained. Wool was the major export and a long way behind came iron, steel and other metal or manufactures.⁸⁹ Between 1784 and 1786 by far the greatest trade was with the West Indies, with imports of £3.4 million and exports of £1.3 million. However, imports from Asia had risen from £626,000 in 1782 to £3.1 million by 1786, while exports to the same region increased from £701,000 in 1783 to £2.2 million by 1786. The major trade, however, was with Europe.

During the peace negotiations, America demanded reciprocity of trade, and as a result British thoughts naturally turned to the possibility of cultivating trade with other nations. Although the Atlantic trade remained the most important for the time being, and would remain so for the remainder of the eighteenth century, merchants were seeking fresh outlets and sources elsewhere, and to a certain extent Government supported them. Pitt first tested his ideas for a freer trade with his proposals for Anglo-Irish reciprocity. For Ireland, Pitt proposed a scheme of partnership between the two countries in which an autonomous Ireland would be admitted into the British economy on equal terms and would in return provide a voluntary contribution to the general defence costs of the Empire, something that successive British Governments had been seeking for America and Ireland for over twenty years.⁹⁰ There was an outcry by the British manufacturers over such a plan however, and in Ireland outrage that they should contribute to Britain's

⁸⁸ Particularly important was the trade with the West Indies where Britain employed a large contingent of troops to safeguard the trade in the region. Marshall, *The Eighteenth Century*, p. 578.

⁸⁹ By 1785 Britain was importing 18,400,000 lbs of raw cotton, re-exporting only 407,000 lb. The total import of raw wool was 3,135,000 lb all of which came from Spain, but exports were usually in the form of woollen and worsted yarn, worth £3,814,000 in 1785. Over a million lbs of raw and thrown silk was imported, but only 78,000 re-exported. Mitchell and Deane, *Statistics*, pp. 178, 191, 205, 209, 294-5, 311.

⁹⁰ Madden, *op. cit.*, p.178.

defence budget. The Irish were seeking positive discrimination for Irish products rather than free trade. It was this measure that angered the British merchants. After much correspondence between Pitt and the Lord Lieutenant for Ireland, coupled with lobbying by powerful factions in both countries, Pitt eventually withdrew his proposals for Ireland rather than suffer a heavy defeat in the Commons. He was determined that such a situation would not arise again in any other commercial negotiation.⁹¹

Prior to dealing with India or Ireland, Britain, under Shelburne's administration, had sought to conclude the peace negotiations with America. Shelburne, saw that strong trading links with the former colonies would help to boost Britain's manufacturing and commerce, whilst thwarting French plans from building on their wartime alliance with America. At the time that Britain and America came to an agreement America had won large trading territories on the continent between the Great Lakes and Ohio, as well as fishing rights off Newfoundland. America was allowed to trade with the West Indies but only in British ships. What America was not allowed was access to direct trade with Britain or her overseas territories, and Jenkinson, as the newly enobled Lord Hawkesbury, provided for legislation in Parliament that shored up the Navigation Acts for that purpose.⁹² However, American goods were allowed into Britain at the same rates of duty as those levied on goods from British possessions, and while this caused an expansion of the Atlantic trade, in 1784 America also turned towards the Far East.⁹³

During that year two ships, the *Empress of China* and the *United States*, left American shores for trade with China and India. Both ships landed at Pondicherry causing Lord Macartney, the governor of Madras, to write to the Directors 'An American ship is now upon the coast, with merchandise...this is the first attempt from that quarter.'⁹⁴ The ships were laden with mixed cargoes of ginseng, naval stores, copper, miscellaneous

⁹¹ Evans, *Pitt*, pp. 62-5; Ehrman, I, pp. 197-216; Rose, chapter XI.

⁹² Conway, op. cit., p. 344.

⁹³ Ashton, *Economic History*, p.159.

⁹⁴ G. Bhagat, 'Americans and American Trade in India, 1784-1814', *American Neptune*, Vol. XLVI, No. 1 (1986), pp. 6-15.

hardware, and large sums of silver dollars. Clearly the Americans were not prepared to be restricted in their trade any further. They returned to America, via Canton, in 1785 and brought to that country a taste for all goods oriental. More worrying for the British was the fact that they had chosen to go to French ports in India and it only added to British fears of French desires for that region. Their fears were further fuelled when the French government passed a decree that gave American ships permission to trade at Mauritius.⁹⁵

The British Government had great worries about this French move not least because they believed that the French were trying to encroach on areas that hitherto had been the exclusive privilege of Britain. There was a real concern that the French were trying to establish trading links in India and China by secretive and inauspicious methods. Ever since her losses in the Seven Years War (1756-63) France had never renounced her ambitions to recover power in the Far East, and if necessary she was prepared to form alliances with her European neighbours to achieve her ends. The feeling in Britain was not helped when Sir James Harris,⁹⁶ her former Russian ambassador, reported that he had intercepted a letter from Frederick the Great of Prussia to his minister in Paris, Baron Goltz, in which Frederick had described Britain as 'a ruined and undone country, crippled by an unfortunate war, and unable ever again to become a formidable rival of France'.⁹⁷ Cornwallis, Britain's special envoy to Prussia, later reported that Frederick had stated that 'France, Spain, Austria and Russia were in alliance,' although he looked forward to the day when 'Mr Pitt ['s]...abilities and integrity would restore his country to the importance which she had formerly held in the scale of Europe'.⁹⁸ There was also concern within the Government that proposals for alliances with Russia, Sweden and Denmark in April 1784, had also fallen on stony ground. With Russia in alliance with Austria, and by extension with France, coupled with Franco-Spanish friendship through the House of Bourbon, and France's growing hold over the Dutch, Britain had

⁹⁵ *Ibid.*, p. 10.

⁹⁶ Sir James Harris, first Earl of Malmesbury (1746-1820), MP for Christchurch, 1770-74, 1780-88. Ambassador at St Petersburg, 1777-82, Minister at The Hague, 1784-8. Created Baron Malmesbury, 1788; Earldom, 1800.

⁹⁷ *Malmesbury*, II, p. 49, Harris to Fox, 19 July 1783.

⁹⁸ *Cornwallis*, I, pp. 201-4, Cornwallis to Carmarthen, 20 September 1785.

become more and more isolated in European politics. The various foreign courts did not believe that the new Pitt Government would last.⁹⁹ Clearly Britain needed to do something.

Early in 1784 the British Government asked the French Government what should be the size of the naval force stationed by both parties in India. After some prevarication on both sides it was agreed that neither side would send line-of-battle ships there.¹⁰⁰ Unfortunately, each side disbelieved the other, and Britain kept receiving intelligence, primarily from returning East Indiamen that France was breaching the agreement.¹⁰¹ The intelligence alleged that France was sending old warships, with their guns removed and essentially decommissioned, as merchantmen to their territories in the East and West Indies and the coast of West Africa. By November 1784 Dundas was writing to Sydney:

It must readily occur to everybody that an exceeding good establishment of artillery, a considerable body of cavalry, and a large European force must at all times be kept in India, particularly on the coast; the precise quantity of each I am not able to indulge of, without farther information than I am yet possessed of, but it is evident that our force now and hereafter must be regulated by the intelligence we have of the force kept up by our European Rivals, at the Mauritius, Pondicherry, Ceylon, or other places in India. Taking it for granted that India is the quarter to be first attacked, we must never lose sight of keeping such a force there as will be sufficient to baffle all surprise. In that shape I believe the attack will first be made.¹⁰²

In 1785 the French revived their East India Company and set about subverting British alliances with the Indian princes. In addition, they threatened the security of British lines of communication with both India and China, by transferring the decommissioned warships to the French Company. Daniel Hailes, the Secretary to the Duke of Dorset at the Paris Embassy, reported throughout 1785 of the dangerous precedent that the French were

⁹⁹ Ehrman, I, p. 476.

¹⁰⁰ FO 27/11, ff. 249-51, Carmarthen to Dorset, 16 February 1784; FO 27/13, f.1331, Dorset to Carmarthen, 2 December 1784.

¹⁰¹ Alan Frost, *The Global Reach of Empire* (Melbourne, 2003), pp. 124-7.

¹⁰² PRO 30/8/157, f.7, Dundas to Sydney, 2 Nov. 1784.

setting with their old warships, which resulted in Carmarthen seeking further intelligence on the state of the French navy. Arthur Phillip, the future governor of New South Wales, was despatched by Nepean to obtain that information. His subsequent report did not bode well.¹⁰³ As the French held the islands of Réunion and Mauritius¹⁰⁴ in the Indian Ocean, and still wished to include Pondicherry in India as part of any commercial settlement, coupled with their alliance with the Dutch and by extension all the Dutch ports from the Cape of Good Hope to the Far East, it could do little else but cause the British Government grave concern.

To some extent the East India Company had foreseen this eventuality. Ever since 1780 the Company had made overtures to successive Home Secretaries seeking permission for British settlements on the routes to the Far East, primarily in Mindanao in the Philippines and Celebes in the Moluccas. They had managed to convince Hillsborough, one of the Home Secretaries, who saw the advantage of a settlement in the Philippines for overcoming Spanish holdings there, as well as providing a base from which to attack their South American colonies.¹⁰⁵ It would also have served as a base from which to attack the Dutch Spice Islands in the event of a political rupture with that country. However, the Company never took up this option.¹⁰⁶ Instead, attention turned to the Cape of Good Hope and with good reason.

The route to India and China involved a long, arduous sea journey that necessitated calling at various ports for refreshments in order to ward off sickness amongst the crews, primarily through scurvy. But the route through the Indian Ocean was full of dangers to British shipping, which had to pass the French held islands of Réunion and Mauritius. Should they be negotiated successfully then the main sea routes to Canton were either through the Malacca Straits to the north of Sumatra, the Sunda Straits between Sumatra

¹⁰³ Frost, *Empire*, p. 127.

¹⁰⁴ Réunion is sometimes referred to as Bourbon, and Mauritius as the île de Ré.

¹⁰⁵ Hillsborough was the Secretary of State for the Southern Department until the demise of the North Government in March 1782.

¹⁰⁶ OIOC L/PS/6, Devaynes and Sullivan to Hillsborough, 19 Aug. 1780.

and Java, or round through the Molucca Islands, all areas under the control of the Dutch. If they chose to sail up the East coast of the Philippines, having successfully negotiated Dutch held territories, then they would encounter the Spanish. Whichever route was chosen the ships still had to round the Cape of Good Hope, also in the possession of the Dutch. The only other safe haven for British shipping was at the small island of St Helena in the South Atlantic, but that was difficult to land at and too small to supply the necessary food and equipment that might be required for the remaining journey. Those supplies had to be obtained from the Cape.

For each European power the Cape of Good Hope was a significant port of refreshment. Recognising the commercial potential, the Dutch operated under a free trade policy there. Without calling there it was doubtful whether the crew of any ship sailing to the East Indies would survive the journey. The Cape was an essential loading place for the victuals necessary to sustain life. For Britain it had vital supplies that could also be taken to St. Helena, the island in the Atlantic that was barely self sufficient, and where East Indiamen called to pick up their naval escort home. If the British had not had access to the Cape's supplies then St Helena would have been crippled and worthless as a strategic base. For the French, the Cape of Good Hope was equally significant, but in their case for victualling the islands of Réunion and Mauritius in the Indian Ocean. The French equally relied on the Cape as a port of call for ships outward to and homeward from the East Indies. The French were not prepared to let the Cape fall out of the hands of the Dutch into the arms of another European power, especially Britain.

The East India Company was fearful that if they lost the opportunity to call at the Cape to obtain supplies then their whole East Indies trade would be seriously jeopardised. As early as 1781 they had drawn up plans to attack Cape Town, for earlier that year the Company had captured French plans to attack St Helena.¹⁰⁷ If the British lost that island and could not call at Cape Town, this only left the hazardous and uncertain prospect of stopping at

¹⁰⁷ OIOC L/PS/1/4 ff. 207-10.

Madagascar.¹⁰⁸ Such an eventuality would place all East Indiamen under threat. In 1781 the Company believed that the time was right for an assault as nearly 5,000 troops were under preparation to sail for India anyway. They wrote to Hillsborough and referred to a plan prepared by a Richard Matthews, one of their employees, in January of that year, which suggested that Cape Town could easily be taken while the troops were on their way to India. Matthews had stated that Cape Town had a population of 17,000 of European descent, 30,000 slaves, 3,000 fit to bear arms, and only a small force of 500 military personnel, most of whom were German.¹⁰⁹ In his opinion the settlement could be taken easily.

In their despatch to Hillsborough the Directors of the Company stated

That the Power possessing the Cape of Good Hope has the Key to and from the East Indies appears to us self evident and unquestionable. Indeed we must consider the Cape of Good Hope as the Gibraltar of India. This circumstance, My Lord, has not been felt during the long peace subsisting between Great Britain and the States General: but the present rupture with the Dutch has totally changed the scene, and rendered the possession of the Cape of the last importance.¹¹⁰

They went on to describe the difficulties presented by each of the three possible ports of call in the region, St Helena, Cape Town and Madagascar, reinforcing their belief that of the three only Cape Town was sufficient to satisfy the needs of fleets sailing to and from the East Indies.

The Cabinet rejected the Company's proposals. In an attempt to overturn that decision the Company again wrote to Hillsborough on 12 November 1781:

Consequently, there are no other places, but the Bay of All Saints, on the coast of Brazil, or the Bay Loando St. Paul's, in

¹⁰⁸ OIOC L/PS/1/4 ff. 188-215. See also pp. 131-2 *supra*.

¹⁰⁹ OIOC L/PS/1/7, ff. 1-10.

¹¹⁰ OIOC L/PS/1/4 ff. 207-10; Chairman and Deputy to Lord Hillsborough, 25 Oct. 1781, Harlow and Madden, *British Colonial Developments 1774-1834 – select documents* (Oxford, 1953), pp. 4-7.

latitude 10° South, on the Coast of Africa, both Portuguese settlements, much out of the regular track, and too distant from India, as well as too uncertain to be depended upon for supplies; and where our ships will ever be exposed to attack and seizure by the enemy.¹¹¹

This had no effect and the Cabinet did not budge from their earlier decision. However, the French got wind of these later proposals and landed 600 troops at Cape Town from De Bussy's force sent to India in 1781. Additionally, in 1784 the French fleet, under the command of the Comte de Marigny, seized the Portuguese base at Cabinda, 5° south of the equator and just north of Luanda on the Angolan coast.¹¹²

Hillsborough was not insensitive to the Company's fears and early in January 1782 ordered an investigation of all the possible places between England and the Cape where water and fresh provisions could be obtained. In his letter to the Company he asked them to consider ports of call in the South Atlantic on the west coast of Africa, not in the possession of any other European nation, particularly in the region between Das Voltas Bay and Sao Paolo Loando, paying attention to Walfish Bay. If a useful port was discovered the expedition was to send word home immediately. This was an enormous area for survey, 28° south to 8° south, and in fact the *Swallow* was recalled at the cessation of the American War before any useful discoveries were made.¹¹³

Still the Company persisted in their entreaties to the Government for action to protect their fleets from possible incursion by the French, this time in the Indian Ocean. In December 1781 they wrote to Hillsborough advocating that instructions be sent to Admiral Sir Edward Hughes, Commander of the Indian Squadron, on the following lines:

That the destruction of the French settlement and harbour at the Seychelles is, if possible, to be effected. We hope this may be done from Bombay, with such of our naval force as may be

¹¹¹ OIOC L/PS/1/4 f.233.

¹¹² See p. 173 *supra*.

¹¹³ Harlow, I, p. 126.

spared from thence and the addition of a frigate, or ship of the line, which we expect the Admiral will be directed to spare for that purpose. But a more considerable object which claims our attention is a settlement at Acheen;¹¹⁴ and the importance of an establishment at Acheen would be greatly increased by small settlements upon the Nicobar and Andaman Islands.¹¹⁵

Again nothing was again done in relation to this suggestion, not least because Hughes felt that he could not spare any of his forces for such an initiative. In a 'Most Secret' letter from the Company the newly created Board of Trade was to consider the same measures from April to June 1785. In that instance, they asked William Fraser, Secretary at the Foreign Office, to search Lord Carmarthen's correspondence to ascertain if there had been any disputes between the French and Danish Courts concerning the Nicobar Islands.¹¹⁶ The Board were also to consider at that time the idea of settling the island of Diego Garcia situated 7° 15' South in the Indian Ocean, and requested that the Company furnish Alexander Dalrymple's plans of the island which had not at that time been published.¹¹⁷

Whilst the Board of Trade was discussing the situation in the Indian Ocean freak weather had forced another East Indiaman, the *Pigot*, to seek shelter on the east side of the Cape. It found shelter in Gromarivire Bay between Plettenberg and Algoa Bay. On board were two army officers, Lieutenant Henry Pemberton and Lieutenant Colonel William Dalrymple. Finding the soil fertile, the natives friendly and industrious, a nearby local establishment well stocked and hospitable, and the climate advantageous to the European races they decided to inform the Government of their find. Pemberton's proposals eventually found their way to the Board of Trade and Henry Dundas in particular.

Pemberton's view was that an exchange might be feasible between the English and the Dutch, and that the local settlement might be ceded to

¹¹⁴ Acheen was also known as Aceh, Aceen and Achin. It is in northern Sumatra facing the Bay of Bengal.

¹¹⁵ OIOC L/PS/5/3, 19 October 1781.

¹¹⁶ OIOC L/PS/2/1, f.3, Most Secret minute of Board of Control, 9 April 1785. None were found.

¹¹⁷ OIOC L/PS/2/1 ff. 3-4.

the British if they were to return Negapatam to the Dutch. He was aware that the Dutch jealously guarded their ownership of the Cape and that if they were reluctant then an area outside their territory, northeast of the Groote River, might be considered an acceptable alternative. Local Kaffirs, who were independent of the Dutch and hostile to them, controlled this area and Pemberton felt that they would be amenable to negotiations with the British. Perhaps most importantly, Pemberton felt that rather than send out free colonists it would be better if the Government transported felons there as, surrounded by hostile natives and cut off from any means of escape, they would in the temperate climate have to work the land to survive. He believed that the area offered a much better option than the coast of West Africa, which he knew to be under discussion, where death was highly likely from fever. It was also his opinion that this new option was better than execution. Pemberton had set out a plan that would enable Government to establish a trading base for the future. In his report he stressed the fertility of the soil and that if worked properly it would provide ample foodstuffs, not only for any settlers there, but also enough to provide passing ships which could call there in safety. For this to happen essential work had to take place like building wharves and warehouses, as well as farming the land and developing the livestock. In his opinion, convicts were the right persons to undertake that work.¹¹⁸

Lieutenant Colonel Dalrymple supported Pemberton, and, realising the importance of their find, wrote directly to William Devaynes, the Chairman of the Company. Devaynes immediately forwarded copies to Pitt and Dundas, with a note:

Inclosed is the copy of a letter I have just rec'd from Mrs Dalrymple it seems of very material importance & may be of the greatest utility to us, a prejudice to our enemies. I beg you will give it your serious consideration & I am of opinion if anything is done it should be done secretly out of hand – Col. Dalrymple is expected every day & I believe him to be a very able & judicious man his military character will speak for itself...

¹¹⁸ OIOC G/9/1, pp. 18-25, 'A narrative by Lieut Henry Pemberton of the 101st Regiment returning to Europe on board the *Pigot*, East Indiaman'.

I have sent a copy of it to Mr Pitt & have not communicated to our court or any other person.¹¹⁹

In the letter to Pitt, Devaynes mentioned that such a settlement would be of strategic importance and quoted Dalrymple:

We should in a few years derive every advantage from a settlement here, that the Dutch have from the Cape; and in time of War, and returning home would refresh here: with this additional advantage that the French would not be so likely to capture our ships, as they could not know whether they would touch at St Helena or at the settlement I propose – a sloop and military force stationed there is requisite, as the best mode of conciliation is to be formidable.¹²⁰

Like Pemberton, Dalrymple felt that convicts could be transported there and that in due course they would produce everything that was required for the many ships that would touch there, fresh fruit and vegetables, meat, fish and every other staple.

We have lost America, and an half house would secure us India, and an Empire to Britain – We are at a loss where to send our convicts – to send them to this country would indeed be a paradise to them, and settlers wou'd croud here – It is the finest soil I ever saw, with a divine climate, and I have been told by those that have been 300 miles in the Caffre Country that the soil is still richer – It requires no clearing as in America; only ploughing and sowing wheat, corns, cabbages, potatoes, etc. etc. and abounding with cattle, game of all sorts, and plenty of fish – Producing also oranges and a tolerable wine from the grape – and as the Caffre Country is in the same latitude, and close to it, of course produces everything that this will – Tell Mr Devaynes all this, and that there are many more advantages which I could enumerate to him.¹²¹

These suggestions came to Pitt's Government at a time when they were becoming increasingly uneasy at French intervention in Holland, where the French had obtained control of the country and the Dutch East India Company through their nominees. So uneasy was Pitt at developments in

¹¹⁹ N.L.S. GD 51/1/17 f.1, Devaynes to Dundas 17 Sept. 1785.

¹²⁰ PRO 30/8/128, ff. 53-4, Devaynes to Pitt, 17 Sept. 1785.

¹²¹ Loc. cit.

Holland that he eventually issued orders to the Governor-General in India, who by this time was Cornwallis, that if relations with Holland broke down completely he should attack Ceylon whilst a force would be sent from England to capture the Cape. He saw these measures as the only way to safeguard the Indian trade and prevent the French from using the Dutch bases to attack English settlements.¹²² In due course Cornwallis would use convicts to build a settlement on the Andaman Islands, in similar vein to that recommended by Pemberton, but this would be in 1789 after the settlement at Port Jackson had been established.¹²³

British fears about Cape Town, and the other Dutch ports of call were compounded by the actions of the Dutch. During the American War, in December 1780, the British had declared war on the Dutch, because the French and Spanish were using Dutch shipping to transfer much needed supplies to the American Colonies from their various settlements in the West Indies, to the detriment of the British troops. The war created immediate problems for the Dutch, whose economy was already suffering from a lack of raw materials and markets for their goods, and who now lost various settlements in the West Indies and Sumatra to the British. The mercantile problems resulted in the ascendancy of the Patriot party, led by Dutch merchants, who relied on French support. They hoped to seize power and by so doing reform the political and economic structure of the country. Dutch losses in the American War caused popular support to favour the Patriots. However, by siding with France, the Dutch gave the French potential control of the Dutch trading posts and naval bases that extended from the Cape of Good Hope across the Indian Ocean and throughout the Malay Archipelago. This posed a major threat to British Far Eastern interests.¹²⁴

¹²² PRO 30/8/102, Pitt to Cornwallis, 2 August 1787.

¹²³ In September 1789 Captain Archibald Blair, acting under instructions from the government of Bengal, established a penal colony on Chatham Island, in the south eastern bay of the Great Andamans and named it Port Cornwallis. Two years later it was transferred to the northeast of the island, where a naval arsenal was to be established. *Encyclopaedia Britannica*, 15th ed. (Chicago, 1988), p.148.

¹²⁴ Harlow, I, pp. 125-6 and II, pp. 365-8.

One of the difficulties that all three countries, England, France and Holland, faced, was that each had been brought close to bankruptcy by the late war.¹²⁵ Each now required, not only a period of stability, but also the importation of certain goods from the Far East to fill their individual coffers. For it was in trade from that region that the European nations believed their futures lay. France had lost most, for the result of the peace treaty at the end of the Seven Years War had been significant losses of territory, notably in the West Indies, West Africa and India. These territories she hoped to regain after the American War, particularly those in India. The Dutch, on the other hand, had a series of trading bases around the Indian Ocean and Malay Archipelago from which they controlled the spice trade of Europe. Under no circumstances were they prepared to see that trade jeopardised, as from that trade they believed they would refill their treasury.¹²⁶ Both France and the Patriot party in Holland thought that an alliance between the two was the best means of helping one another. Britain was determined that this would not happen.

When they negotiated the Anglo-Dutch peace treaty in 1784 the British ensured that within it there were clauses that ensured the Dutch would not obstruct the navigation of British subjects in the Far East, a factor that the Dutch viewed as threatening to the spice trade. A further clause gave the British retention of the factory at Negapatam in southern India, with the possibility of exchange for a territorial equivalent at a future stage. The Dutch, who believed that Britain had the ultimate aim of a complete takeover of all Dutch trade, viewed both clauses with grave suspicion. But really Pitt and Dundas wanted an amicable agreement with Holland; a partnership was what they sought. To conduct negotiations they sent a very able courtier, Sir James Harris, to The Hague in December 1784. Immediately he reported on the suspicions and prejudices of the Dutch government, fuelled by rumours from the Patriots.¹²⁷

¹²⁵ France had exceeded her peace expenditure by £66 million in the years 1778-83. Rose, p.321; Harlow, II, pp. 365-8.

¹²⁶ Harlow, II, p.374.

¹²⁷ *Malmesbury*, II, p.91, Harris to Carmarthen, 4 Jan. 1785.

Throughout 1785 Harris wrote continuously on the deteriorating situation in Holland, particularly the pressure that was being brought on the Dutch Government by the French to hand over to the French military control of their eastern settlements. In January 1786 Harris reported that Holland had donated two line-of-battle warships to France,¹²⁸ and then in March he reported that 'France has intimated...that a rupture with England in Asia is not at a very distant period. That it is, therefore, of the utmost consequence that no time should be lost in increasing the naval and land force of the Republic in that quarter of the globe'.¹²⁹ By April Harris reported that the French were not prepared to let any other country interfere in Dutch affairs, and that 'if anyone should attempt it, she will oppose such interference by force'.¹³⁰ By May Harris was able to report that the Dutch had rejected French plans for a permanent settlement of French troops in her East Indies settlements.¹³¹

However, during May and June, Dorset reported from Paris that the French had now equipped an expedition under the command of the extremely able Comte de La Pérouse, ostensibly as a scientific expedition to the Pacific region, but

It is reported with some degree of authority that he has orders to visit New Zealand with a view to examine into the quality of the timber of that country, which is supposed by the account given of it in Capt. Cook's voyage may be an object worthy of attention. This plan is recommended by Mon. de Suffrein, who says that ships may with little difficulty go from the Mauritius to that country. It is believed that the French have a design of establishing some kind of settlement there if it shall be found practicable, as it will be necessary to tap the trees at least six months before they fell them in order to lighten the wood which has no other defect, as is said, than that of being too heavy for use in its natural state.¹³²

Then in June Dorset reported

¹²⁸ *Malmesbury*, II, p. 184, Harris to Carmarthen, 20 Jan. 1786.

¹²⁹ *Malmesbury*, II, p. 189, Harris to Carmarthen, 7 Mar. 1786.

¹³⁰ *Malmesbury*, II, p. 195, Harris to Carmarthen, 7 Apr. 1786.

¹³¹ *Malmesbury*, II, p. 196, Harris to Carmarthen, 5 May 1786.

¹³² FO 27/16, ff. 289-90 (formerly 553-5) Dorset to Carmarthen 5 May 1785.

I had the honour of mentioning to your Lordship in my despatch of the 5th of last month that M. de la Pérouse had other objects in view than merely that of making discoveries, and I particularly mentioned the orders he had received to touch at New Zealand with a design of examining into the nature of the timber there, which according to M. de Suffrein's report, is of an excellent quality for repairing ships, but more particularly for masts: I can now inform your Lordship from good authority that sixty criminals from the prison of Bicetre were last Monday convey'd under a strong guard and with great secrecy to Brest, where they are to be embarked on board M. de la Pérouse's ships and it is imagined they are to be left to take possession of that lately discovered country.¹³³

A short while later Harris sent word that certain Dutch factions were seeking an alliance of the British and Dutch East Indies Companies, even going so far as to offer the British port facilities at Essequibo and Demerara in the West Indies, as well as those in Holland. As Pitt communicated to Grenville, that idea 'seems to deserve no sort of encouragement. As I understand it, it is only a scheme for giving into their [Dutch] hands, without any advantage in return, part of our China trade.'¹³⁴ By early September, however, the situation had deteriorated in Holland to such an extent that Harris reported: 'I have no doubt France will, without waiting for any requisition from hence, [The Hague] throw troops into Dutch settlements in the East Indies; and under pretence of defending them appropriate them to herself'.¹³⁵

In order to bring the Dutch round to the British side, Henry Dundas advised his colleagues to make clear to the Dutch the British Government's willingness to persuade the English East India Company not to exercise its right to a free navigation in eastern waters, as authorised by the Anglo-Dutch treaty of 1784. But as this concession also meant that East Indiamen would be prevented from sailing through the Malay Archipelago to China, except by

¹³³ Ibid., ff. 361-2, 9 June 1785 (formerly 605-6).

¹³⁴ *Dropmore*, Pitt to Grenville, 4 Oct. 1785.

¹³⁵ *Malmesbury*, II, Harris to Carmarthen, 16 May 1786 and 8 Sept. 1786.

way of the Strait of Malacca, it became imperative to safeguard the alternative routes that were available.¹³⁶

The sea routes to China across the Indian Ocean and through the Malay Archipelago were fraught with danger, not only from the French but also from local pirates and adventurers. Their security would require a naval force that Britain could ill afford at this time, spread over a vast area. If ships were to take an alternative route then they needed another way station to stop and refresh with water and goods. In 1782 Alexander Dalrymple had prepared a secret paper for the East India Company entitled, 'Memoirs concerning the Passages to and from China'.¹³⁷ He specified all the routes that were available to East Indiamen bound for China. He also stated that in the event of war with the Dutch the Straits of Malacca and Sunda were scarcely suitable. Of the other routes, only the eastern passage and those routes that passed to the south of Australia would henceforth be available in accordance with Dundas's new ruling. Government, therefore, turned to Dalrymple's secret memoir to the Company in 1782 and in examining his five routes to China were able to form the opinion that ships sailing round southern Australia would be appear to be both the quickest and safest. This is how New South Wales came back into the picture.

But that still left the Spanish in the Philippines. From the early sixteenth century Spain had laid claim to the entire area of the South Sea or Pacific Ocean, by claiming a papal right for a *mare clausum*. When Cook dispelled the myth of a great southern continent he was followed into the Pacific in 1770 by a Spanish expedition, partly to check on what Cook had been up to, but also to ensure that no foreign power could launch an attack on South America from any Pacific island. Spain had good justification for her fears, especially of the British who, since the time of Dampier in 1699, had sent successive expeditions to the area searching for new places for

¹³⁶ 'Considerations on the subject of a treaty between Great Britain and Holland, relative to the interests in India', Oct. 1787, Melville Papers, Mss 1068, National Library of Scotland.

¹³⁷ Alexander Dalrymple, *Memoir concerning the passages to and from China* (London, 1782). This was written in 1782 and then issued to selected ships by the Secret Committee from 1785.

commercial exploitation. By 1774 a naval lieutenant called John Blankett was writing to the First Lord of the Admiralty, Lord Sandwich, suggesting exploration of the North Pacific region, especially around Japan. Acknowledging that the Dutch already traded in the area Blankett believed that 'all those countries [Japanese islands] would take off vast quantities of our manufactures and open a new and extensive branch of commerce'. What Blankett was advocating was trading posts in the region not settlements.¹³⁸

There was also general discussion within the Admiralty of how the Spanish might be disrupted in the Far East without a direct attack on their main stronghold, Manilla. Sir John Dalrymple had previously published a work in which he advocated three separate, and privately funded expeditions, to launch attacks against Spanish possessions in the South Seas, and central and south America. The former of these should be launched from the East Indies as a two-pronged attack; one to the north against Mexico, and a second to the south against Chile. By mounting the expedition during the winter season in Europe advantage would be taken of the Spanish colonies before any assistance could be rendered from Spain.¹³⁹ What Britain needed and the East India Company desired was the ability to trade British goods in the Spanish held South American colonies in return for the silver bullion, now so urgently needed for the China trade. In January 1785 the Company approached the Government on the possibility of a direct trade with Manilla in order to attract some of the Spanish bullion. If the terms could be agreed between both nations it would open new areas for trade for British manufactures without the threat of war. It also had the added advantage as far as Pitt was concerned, that the Spanish Philippine Company proposed the idea. In 1788 Pitt, Grenville and Dundas signed an agreement for a three-year trial period.¹⁴⁰ Unlike his disapproval of the Dutch proposition, Pitt saw that there were real benefits in the agreement.

¹³⁸ Steven, *Trade*, pp. 16-26.

¹³⁹ Sir John Dalrymple, *Memoirs of Great Britain and Ireland* (Edinburgh, 1771 and 1788), quoted in Steven, *Trade*, pp. 31-5.

¹⁴⁰ Ehrman, I, p. 460.

In the midst of all these intrigues and negotiations the British Government received further intelligence on French intentions. 'Our politics and our views are and must be principally directed against our Maritime Rival [Britain]. [Our actions must] prepare the way, at the first occasion for a rupture, for decisive blows on the coasts of India in concert with the United Provinces'.¹⁴¹ By March 1786 the temporary Governor-General of Bengal was informing the Company, that the French had sent another decommissioned warship to Pondicherry, this time with 450 soldiers on board.¹⁴² A short contretemps then occurred between the British and French over a French vessel sailing up the Ganges. This was quickly resolved, although the French sought a more permanent solution to such invasions on their ships by suggesting a meeting between the Governor-General of Mauritius and Colonel Charles Cathcart. Sydney reported to the King on 16 August 1786 on the provisional convention made by Cathcart, together with the French naval force in India, and the King responded by expressing his concern about the number of French *flûtes*,¹⁴³ in the East Indies.¹⁴⁴

While awaiting the negotiations by Cathcart, Daniel Hailes reported from Paris that the French had also made enquiries of the Austrian Government whether they were prepared to cede the Nicobar Islands, and the Danish Government whether they were prepared to cede their Malabar factories to the French. He reported that should the French manage to achieve their wishes, as well as holding Trincomalee on behalf of the Dutch, then they would become a formidable force in the area, if not impossible to overcome. Without doubt they would control the East Indies. Pitt, together with his colleagues Dundas and Mulgrave at the Board of Control, hoped that the French were not putting together any preconceived plan. They wrote contingency instructions to India in case of a French incursion and instructed Eden, the new negotiator for a commercial treaty in Paris, not to discuss the

¹⁴¹ Add. Mss. 28060, f.342, [Anon.] memorandum 15 May 1785 quoted in Frost, *Global Reach of Empire*, p.133.

¹⁴² OIOC, L/PS/1/9, f.140, McPherson to Secret Committee, 23 September 1785.

¹⁴³ Short for *Armés en flûtes*, ships decommissioned and partly armed only.

¹⁴⁴ LCG, p. 244, Sydney to the King, 16 Aug. 1786.

East Indies as part of his trade negotiations. That was to be kept secret.¹⁴⁵ Harris then wrote to the Government in early August that the French were seeking to get the Dutch to increase their garrison in the East Indies to 14,000 troops, but the Dutch would be unable to raise more than 9,000. However, he also stated that the Dutch had sought French assistance with troops and they would furnish the cost.¹⁴⁶ The matter had become very worrying for Britain. On the one hand they wanted to conclude successful commercial negotiations with both France and Holland, which had reached a delicate stage. But at the same time they wanted to safeguard their possessions in the Far East, without jeopardising any treaty, or raising the suspicions of either country. How were they to do it? To Pitt's credit he knew that neither country could afford to go to war, but he still did not wish to provoke any form of hostility.

On 23 July the *Nautilus* returned to England from Das Voltas. This ship under the command of Captain Edward Thompson had been sent in September 1785 to conduct a secret survey of the area suggested for convict transportation by the Beauchamp Committee.¹⁴⁷ Unfortunately Edward Thompson had died on the trip, and his nephew, Lieutenant Thomas Bouldon Thompson, had been given the command. During the course of their journey they also conducted a thorough survey of the state of the various forts and factories in West Africa throughout the Slave, Ivory and Gold Coasts. The latter survey made damning reading and undoubtedly disturbed Government. It put a final end to any notion that any part of West Africa was suitable for a settlement.¹⁴⁸ But more importantly Thompson reported that in their survey of the area between 20° and 29° south they had found no 'Bay, River or Inlet' only a 'barren and rocky shoreline. He had continued his survey north to 16° and still found no useful harbour, fresh water or any trees. The natives that they had seen had been shy and retiring and to all intents and purposes the

¹⁴⁵ Frost, *Global Reach of Empire*, p.137.

¹⁴⁶ FO 37/11, ff. 68, 70, 72, Harris to Carmarthen, 1, 4 and 8 August 1786.

¹⁴⁷ ADM 2/1342, 15 September 1785, secret instructions to Capt. Edward Thompson.

¹⁴⁸ ADM 1/2594, Captain's letters, Tripp to Stephens, 24 March 1786.

area appeared barren.¹⁴⁹ The Das Voltas region of south west Africa was clearly unsuitable for any settlement. Pitt's reluctance to rush for any quick Order in Council now seemed justified. Of course it would also have alerted both the French and Dutch to British pretensions for the region and placed both nations on the horns of a dilemma. Should they let the British remain at any new settlement and by so doing attract trade that was badly needed by the Dutch, as well as imposing a threat to French possessions in the Indian Ocean? Or should they send troops to the region which might not be needed and therefore entail an enormous expense which neither could afford. Either course would lead to hostilities with Britain.

Das Voltas had been the recommendation of the merchants. They wished not only to safeguard their slaving trade, but also defend their Atlantic trading triangle. Now that the African trade had been thrown open by legislation to anyone wishing to conduct business there, the merchants wanted any development in the region to be paid for by Government; Pitt was understandably reluctant to do this.¹⁵⁰ Despite French manoeuvres in West Africa Pitt was nevertheless to allow the merchants to form their own settlement, at their expense. That was to be the new settlement of Sierra Leone by means of which Pitt also hoped to resolve some of the problems of the Black Poor in London.¹⁵¹ But that came the following year. Das Voltas had also been recommended by the East Indian merchants, who saw the necessity of having a way station for refreshment for the voyages to and from India. However, Pitt had wrung an agreement from the Dutch that the Cape of Good Hope would remain open for free trade, thereby negating this recommendation. It was also apparent from the Beauchamp Report that the Committee wished the region to be settled by American Loyalists, using convict labour as slaves. This was anathema to the new Enlightenment

¹⁴⁹ ADM 51/627, T.B. Thompson log entries for 8 April to 17 May 1786. HO 28/5, ff. 226-34, Lords Admiralty to Sydney.

¹⁵⁰ 23 Geo. III, c.65 made trade to Africa free to any of H.M. subjects and continued the slave trade to the region; merchants had to keep accounts of their trade with the region.

¹⁵¹ On 17 May 1786 Henry Smeathman submitted a proposal to the Treasury offering to take the Black Poor from Britain and found a new settlement for them at Sierra Leone. He estimated the full cost of transport, clothing, tools and equipment would be £14 per head. T1/631, ff. 35-6, Smeathman to Treasury, 17 May 1786.

lobby, and Pitt did not want American Loyalists who may have contributed to the loss of the American Colonies, and were now stirring trouble for compensation, involved in any new scheme until it was on a successful footing.¹⁵²

By 1786 Pitt still had a number of problems to resolve, each to some extent depended on the others. Finance was still his number one problem and, while initial steps had been taken to balance the Treasury books, Pitt could not afford to be complacent. Finance relied on trade, trade on strategy. Pitt knew that whoever controlled the Far East shipping lanes and entrepôts would hold the future of the Asian trade in their grasp. Pitt needed to convince the French and Dutch that Britain was intent on keeping control of that Far Eastern trade. Whilst understanding the entrepreneurs' viewpoint that the American Loyalists were committed, hard-working people who would put any new settlement on a firm footing, given the development of American trade in the Far East he was understandably reluctant to take a chance there with this group at this stage. His mind naturally turned to the lower order issue niggling Government, the convicts. If he could use this group to form a new settlement in the Far East, taking on board some of the Beauchamp Committee recommendations, then should La Pérouse happen to chance upon it he had no doubt that the French would be advised of Britain's head start in the region.

After Beauchamp reported to the House, Richard Bradley returned to Britain having successfully purchased the island of Le Maine for £579.¹⁵³ However, this course was no longer an option, so Pitt caused Thomas Steele, a Secretary at the Treasury, to undertake a detailed analysis of the cost of sending convicts to Das Voltas while the *Nautilus* was undertaking the survey there. Steele had obtained three estimates: from Turnbull Macauley and Company, from Anthony Calvert and from Duncan Campbell. Turnbull Macauley had estimated fifteen guineas per head for 500 convicts but

¹⁵² See p. 117 *supra*.

¹⁵³ T1 / 627, Bradley to Sydney, 29 Nov. 1785, Rose to Nepean, 3 Feb. 1786.

provided no other information.¹⁵⁴ Calvert estimated that the cost of taking 1,000 convicts, 850 men and 150 women, to Das Voltas to be £20 per head but stated that Government must also provide a man-of-war as an escort.¹⁵⁵ Calvert's estimate only provided for the conveyance of the convicts, not the victualling and utensils necessary for survival after arriving. Campbell estimated the overall cost at £20 per head for 850 male and 150 female convicts, Government supplying the military escort. But Campbell did not really want the commission.¹⁵⁶ By June 1786 Das Voltas was beginning to look like an expensive option; and further, if Das Voltas was established as a settlement, it would also provide a fairly easy opportunity for the convicts to return to Britain. Nepean then advised Steele that such a venture (taking convicts to Das Voltas) would take at least six weeks to get ready. Nepean then made a telling point: 'It seemed to me to be Mr Pitt's intention at all events that if Cape Voltas was not found to correspond with our expectations for the settlement of the convicts *that some other spot should be fixed upon to the southward of the line.*'¹⁵⁷ There was nowhere else except New South Wales or Gromarivire Bay. The costs to take convicts to the latter would not have been dissimilar to Das Voltas and the site would cause the same consternation to the French and Dutch. That left New South Wales.

Taking up from the point where Charles Coggan had explained to Beauchamp that the annual cost of taking young recruits to India twenty years earlier had been £25 2s 9d, Nepean had earlier sought from Campbell the cost of taking about 265 male convicts to New South Wales. He asked Campbell to include in his estimates the cost of clothing, bedding, victuals and tools. Campbell had sent back an estimate of £50 8s 2d¹⁵⁸ per convict, with the rider that any contractor undertaking such a voyage should be expected to make a handsome profit. That profit, in Campbell's opinion, could be realised if the contractor was allowed to call at China and pick up a

¹⁵⁴ T1 / 632, f.35, Turnbull Macauley to Nepean, 10 May 1786.

¹⁵⁵ T1 / 632, f.37, Calvert to Nepean, 1 June 1786.

¹⁵⁶ T1 / 632, f.39, Nepean to Steele, 10 June 1786.

¹⁵⁷ Ibid. My italics.

¹⁵⁸ HO 42 / 10, ff. 426-7, Nepean to Campbell and reply, circa Jan. 1786. See also HO 42 / 8, f. 9 for details of Campbell's estimates.

shipload of goods on the return journey. If Government allowed that, Campbell believed the estimate could be reduced.¹⁵⁹

Once the unfavourable report on *Das Voltas* was received in July Pitt asked the Treasury to re-visit Campbell's estimates for New South Wales. The Treasury believed that the estimate for transporting 600 convicts could be reduced if Government rather than the contractors victualled the ships.¹⁶⁰ Nepean then examined these new Treasury estimates and was able to reduce costs further, making the essential point that by the third year '...the expence of the Establishment...will probably not exceed £7000 per year'.¹⁶¹ So although the cost in the first instance was likely to be in the region of £48 10s 0d per convict this would drop to about £23 per annum shortly thereafter, and might well be less depending on the success of the settlement. This made the prospect of a new settlement in New South Wales a much more realistic proposition.

Pitt now played a masterstroke. He chose Botany Bay, a little known area in the lately discovered New South Wales, for the new settlement. This region could be easily settled; it posed no immediate threat to any of Britain's European neighbours; it offered safe anchorage for the China fleets. Most importantly, by sending a mixture of marines and convicts, and thereby taking on board most of the measures recommended by Beauchamp, it would help him resolve a number of issues at the same time. From a cost perspective the Committee had estimated a minimum of £25 per head to take convicts to *Das Voltas* exclusive of the guard. The costs of transportation to New South Wales would be £23 per convict within three years, possibly less if more than 600 were taken, and it was believed would be much less when the colony became self sufficient, which was expected. That was still immeasurably cheaper than the current cost of the hulks, which over the previous five years had averaged £31 6s 2d per convict; and the hulks would never be self-

¹⁵⁹ HO 42 / 8, f. 8, Campbell to Nepean, 22 January 1786.

¹⁶⁰ HO 42 / 10, F. 425, Anon., undated, [January or February 1786?], estimate of convict costs.

¹⁶¹ HO 42 / 7, ff. 23-4, [Nepean's] estimates of convict costs.

sufficient.¹⁶² Pitt also knew that even in adverse circumstances man could, and would, fend for himself. This was what was happening with the displaced Loyalists in Canada. Under similar circumstances, and with Government supervision, what more could be achieved in New South Wales? It also offered the most valuable opportunity for a standing army in the region, one that could be deployed quickly in the event of conflict in the Far East.¹⁶³

Pitt also took up Campbell's suggestion of a return trade. Realising that on the outward-bound journey the convicts would be used as ballast, Pitt knew that some form of cargo was essential for the return journey. He, therefore, sought the permission of the East India Company for returning ships to call at Canton and load with a cargo.¹⁶⁴ In that way the Company would benefit from a Government sponsored ship, the Government would benefit from a possible trade-off with the Company over the goods brought back, and both would benefit from the sale of the subsequent goods in Britain and Europe. This is what happened, the return contract being awarded to William Richards Junior. The savings to Government were estimated at £9,700, and the profit to the Company was estimated at £36,000.¹⁶⁵

¹⁶² CO 201/5, f. 339. Campbell's returns on the costs of the hulks.

¹⁶³ Such a course of action was almost taken in 1790 after the Spanish detained a number of British ships at Nootka Sound on the North West coast of North America.

¹⁶⁴ OIOC B/104, f. 570, Rose to Directors, 19 Sept. 1786. Rose signified the opinion of the Lords Commissioners of the Treasury 'that if the ships which were to convey convicts to Botany Bay had a freight of tea home from China advantage may arise therefrom to the State and the Company likewise.'

¹⁶⁵ PRO 30/8/171, ff. 18-19, Richards to Pitt, 9 Sept. 1786.

Chapter 8 After the decision

The Cabinet met on the morning of 19 August 1786 and the decision was made to found the colony at Botany Bay. Sydney was directed to write to the Treasury so that they could arrange the necessary finances for the venture.¹ It was the Treasury that would be responsible for all the future funding for the proposed settlement. But although the Treasury held the purse strings it could not dictate to the Home Office, Admiralty or Navy Board, whose support and involvement was essential if the outcome was not to be an abject failure. The heads of most of these departments came together twice weekly at the Cabinet meetings, namely Lord Sydney at the Home Office, Lord Howe at the Admiralty and of course Pitt at the Treasury. Generally speaking, historians have tended to hone in on that letter and the accompanying 'Heads of a Plan' to the detriment of all other political manoeuvres that Pitt was involved with at the time. In order to understand the wider implications of the letter it is first necessary to examine those manoeuvres in some detail. The ramifications will then become clear.

It is highly likely that at Cabinet on 19 August one of the matters discussed was the King's comment, in his replies to Sydney the previous Wednesday, about the French naval force in India and the disturbing increase in decommissioned warships that that country was sending to her colonies and settlements in the Indian Ocean.² However, at that moment Britain and France were concluding their commercial treaty, relative to Europe only.³ At the same time the British were endeavouring to avoid any

¹ T1/639, ff. 142-6, Sydney to Treasury, dated 18 Aug. 1786. The draft copy of the letter held in the Home Office archives shows that the date was backdated from 21 to 18 August, and the envelope was also altered to show that it was received on 21st. Parliament was in recess at the time. The backdating suggests that rather than it being a matter that Sydney brought to Cabinet, it was a decision made by Pitt in Cabinet, but he allowed Sydney to take the responsibility for it.

² LCG, p. 244, Sydney to the King, and the reply, 16 Aug. 1786.

³ Eden signed the commercial treaty with France at Versailles on 26 Sept. 1786. It granted freedom of navigation and trading rights between the two nations in Europe only. The duties on a great number of articles were reduced, and free movement between the countries was allowed. Dorset commented, '...the principal merchants in the City don't choose to give an opinion about it; anything, if novel, is apt to stupefy merchants.' (*Auckland*, Dorset to Eden, 6 Oct. 1786.) But the merchants were consulted before negotiations began, and, on factual matters Josiah Wedgwood was consulted regularly by Eden. Hawkesbury was later to

conflict with any other European power over the state of politics in Holland.⁴ It may be remembered that in April 1786 the French had threatened to oppose forcibly any attempt by another country to interfere in Dutch affairs.⁵ Pitt was only too well aware that wars were costly, and he was reluctant to spend any more than absolutely necessary on the armed forces. To send reinforcements to the East Indies squadron was a piece of sabre rattling that he was also not prepared to undertake. He sought an alternative, peaceful solution to the crisis. This could be achieved by securing, through diplomatic discussion, various settlements in the Indian Ocean and on the routes to China. However, by September 1787, the situation had deteriorated in Holland to the point where civil war seemed likely between the followers of the Stadtholder, William V, and the republican Patriot party who were supported by the French. Pitt would either have to come up with an alternative strategy or impose his diplomatic will on those within his own Cabinet and other European powers. It is the diplomatic struggle over Holland and her possessions that started after the American War of Independence, which needs to be understood. For in the resolution of that problem Pitt not only imposed his will on the Cabinet, the King and other European powers, but also brought about a solution that would lead to British supremacy in the Far East for over 100 years. It was to be a complete victory and shows that the colony at Botany Bay was just one of a number of moves that Pitt put in place to ensure the Far Eastern trade was protected.

Harris, the British Minister in The Hague, had suggested as early as 1785 that an alliance between the English and Dutch East India Companies, coupled with a loan, might help in his negotiations to outmanoeuvre the Patriot party, but Pitt had swiftly rebuffed such suggestions.⁶ Still, there was genuine concern in Britain about the Dutch East Indies bases if the French-supported Patriot party won their internal conflict. Harris had reported to

comment that 'no business was ever concluded with greater prudence, or on higher authority'. Ehrman, I, *op. cit.*, p. 491.

⁴ Strictly speaking Holland was known as the United Provinces and consisted of a number of provinces, of which Holland was only one. However, in this thesis I have referred to Holland throughout unless reference is required to a specific province.

⁵ Rose, p. 350.

⁶ See p. 202 *supra*.

Carmarthen, in March 1786, that eight Dutch warships were about to sail to the Dutch East Indies with troops on board.⁷ Nevertheless Pitt continued to stay Harris's hand. Pitt was playing a game of brinkmanship of the highest order. Harris advised him in October 1786 that '...till France is ready, nothing will provoke her to quarrel with us, and that when she is ready, nothing will prevent it.'⁸ But as Carmarthen had pointed out to Pitt in September of that year, Britain was still not in a position to embark on another war, especially as the only possible ally in a conflict over Holland would be Prussia. Ranged against Britain would be the forces of Austria and France.⁹

In May 1787 Pitt invited Harris to London to brief both him and the Cabinet directly. This was a highly unusual step as normally ambassadors reported only to the Foreign Office or the King.¹⁰ Harris reported that the secret service money he had been given previously, about £9,000, had been spent in building support for the Stadtholder with some success. He also alluded to the difficulty being faced by the French in providing financial support for the Patriots.¹¹ The discussion in Cabinet that followed involved weighing the risk of doing nothing for Holland, or supporting her with funds immediately and further support, possibly military, later. In further private meetings with Harris, Pitt ensured that he had a complete grasp of the situation, questioning Harris on French motives, using a detailed map to understand which Dutch provinces could be counted upon for support, and finding out how Harris would apply any funds released.¹² Pitt felt that the time was ripe for some British initiative and that the French would back down as a result. Harris's evidence to the Cabinet resulted in the Cabinet giving Harris £20,000 so as to enable the loyal Dutch provinces to take into their pay the

⁷ B.L. Add. Mss. 28061, Harris to Carmarthen, 7 Mar. 1786.

⁸ *Malmesbury*, II, p. 245, Harris to Carmarthen, 24 Oct. 1786.

⁹ FO 37/12, Carmarthen to Harris, 26 Sept. 1786.

¹⁰ Ehrman, I, p. 525.

¹¹ As early as Jan. 1786 W.W. Grenville had reported that the state of French finances '...is such as to require very strong measures, both to provide for the existing debt, and to make up any deficiencies arising from either of their plans.' *Buckingham*, I, pp. 320-1, Grenville to Marquis of Buckingham, 8 Jan. 1786.

¹² *Malmesbury*, II, pp. 303-6. Throughout the Cabinet meeting Pitt held fast to his view that no case was yet made for war, and any measure adopted should not impinge in any way on his measures to refill the Treasury coffers. Harris notes that neither Carmarthen nor Sydney spoke at this important meeting.

troops which had been disbanded by, or had deserted from, the forces of the Province of Holland. On 10 June Cabinet agreed a further release of £70,000 for Harris, which the King approved. Pitt now felt in a position to advise the King that 'the circumstances of the French finances make it highly improbable that they should embark on hostile operations.'¹³

By the following September Pitt believed that further action could be taken. Although he was concerned with overall Government costs in his first administration that did not mean that he would risk the safety of the country. In 1784 he had raised the naval peacetime establishment from fifteen to eighteen thousand men, and earmarked £2.4 million for shipbuilding. Presenting his budget report in 1786 he reported on the number of ships of the line, the building of which began before his administration that he wished to bring to a conclusion. In fact thirty-three ships of the line were built between 1783 and 1790, and in that latter year Pitt was able to mobilise a force of 145 line of battle ships, a formidable navy.¹⁴ Additionally, between 1786 and 1788 Pitt caused the Comptroller of the Navy, Sir Charles Middleton, to undertake a thorough review of all aspects of the navy, from the Admiralty to the dockyards and even the victualling departments, and to report back personally to Pitt.¹⁵ So, although Pitt was playing diplomatic poker at the highest level with his European neighbours, he had a thorough appreciation of the nation's finances and military capability should the situation deteriorate into another war with France. This enabled him to take some decisive action that would end the Far East business, as far as France and Holland were concerned, in Britain's favour for the foreseeable future.

¹³ LCG, I, pp. 296-7, Cabinet Minutes 26 May 1786, and Pitt to the King, same date; Rose, p. 360.

¹⁴ J.R. Hill, ed., *The Oxford Illustrated History of the Royal Navy* (Oxford, 1995), p. 123. Cruisers (frigates of the fifth and sixth rates, sloops of war and armed brigs) accounted for another 180 vessels. By 1785 Britain had an advantage of 64,000 additional tons of fighting ships, built or captured, over the combined French and Spanish fleets.

¹⁵ George Tomline, *Memoirs of the Life of the Right Honourable William Pitt*, 2 vols (London, 1829), p. 533; Ehrman, I, pp. 311-17. The state of the navy in Jan. 1786 is contained in correspondence from Lord Howe to the King in LGC, I, pp. 202-6. Middleton's review caused a great deal of friction between himself and Howe.

Pursuing peaceful solutions in the first instance throughout this period, Pitt still believed that a Convention on India could be drawn up between Britain and France. The two main routes to India were overland through the Ottoman Empire, or seaward around the Cape of Good Hope. French influence in the Middle East had reduced British connections in the region to nothing. In 1785 Dundas believed that a route through the Red Sea was a feasible prospect. The Board of Control now conducted a survey, undertaken by Mulgrave, on the various merits of the overland route – Aleppo, Baghdad and Basrah – compared to the Cape route and the route through the Red Sea. He recommended that all three routes should be maintained. In essence, the Government was trying to safeguard every route to the East Indies. A consulate was therefore set up in Egypt, to try to limit French influence in the region, with limited success. The route through Turkey would be placed in jeopardy by late 1787 as a result of that country's declaration of war on Russia. That left the sea routes as the main avenue of communication and trade, and it was those that needed to be defended.¹⁶ If Pitt could conclude a successful Convention with France the risk from the East would be considerably reduced.

In 1785 the revived French East India Company had sent a negotiator to the London Company, with the proposal that French merchants should be able to purchase British goods on better terms in Bengal, in return for payment by bills of exchange from an annual British credit on which the Company would gain an appropriate return.¹⁷ This caused the Board of Control to remind the Company that it should only concern itself with commercial matters and that this was considered a diplomatic venture. So when Cathcart returned with a signed 'treaty' from the French at Mauritius in 1786 the Company was formally censured.¹⁸ But, at roughly the same time, September 1786, Pitt caused the Board of Control to draw up a draft of the Convention on India, to which end he, Dundas and Mulgrave ensconced themselves at Dundas's house for a week to work out the detail. Talks with

¹⁶ Ehrman, I, p. 438.

¹⁷ Ehrman, I, p. 441.

¹⁸ The Secret Committee of the Board of Control (Pitt, Dundas and Mulgrave on this occasion) considered Cathcart's 'treaty' on 12 Aug. 1786. (Harlow, I, p. 554n).

France on the Convention began in February 1787. These talks were based on commercial terms rather than territorial rights. The French would be allowed to keep their six factories in India, but under British jurisdiction and protection. Commercial rights were restricted to the French East India Company only, and Franco-Dutch co-operation was expected on the mainland of India. Britain and France signed the Convention on 31 August 1787. Unfortunately, the allies of the French in India, primarily Tipu Sultan, counting on French support, would still make trouble in that region that would last until February 1792.¹⁹

At the same time Pitt was examining how best to create a strategic advantage in the Indian Ocean and Malayan Archipelago. It is inconceivable that while the two were shut away in Dundas's house discussions did not cover every aspect of the East Indies trade. Nothing exists in official papers that shows Pitt looked at the India or China trade specifically, but a number of steps were now taken, or had been started by Government, when the Convention was signed. Arguably the most important was closure of the negotiations with the Dutch. Pitt was hampered in what he wanted to do by the lack of help from the Prussians.²⁰ Then in June 1787 the Princess of Orange forced matters to a head.²¹ She was arrested by a Free Corps contingent, an act that was considered a gross insult by the King of Prussia. He was probably still smarting from the rejection by the French Court of his offer of a joint mediation in Dutch affairs. When Pitt heard what had happened to the Princess he advised the Prussian Ambassador in London that the matter was one for the Prussian monarch, and that France should not interfere.²² Now the House of Orange was on the horns of a dilemma: if it did not do something it would be defeated, if it did then there was a possibility of civil war. On 6 July the province of Holland asked the French to mediate.

¹⁹ Ehrman, I, pp. 440-3.

²⁰ England expected King Frederick William II of Prussia to help his sister, the Princess of Orange, but he was following his father's line, who, prior to his death on 17 Aug. 1786, was seeking an alliance with France for joint mediation on Dutch affairs.

²¹ The Princess of Orange was making her way to The Hague on 28 June 1787 when she was arrested near Schoonhoven. She was placed under house arrest and not allowed to proceed any further. In due course she returned to Nyemeguen. (Rose, p.362)

²² Rose, p. 365.

They accepted but on the terms of the defensive alliance of 1785.²³ On 29 July the Princess formally asked her Prussian brother for protection. The initiative, therefore, passed to King Frederick William II. He could join with France in a mediation, in which case Britain would have to stand aside, or he could assist his sister with force, in which case France would either be forced to fight, accept Britain's joint mediation, or withdraw.²⁴ Frederick William, still smarting from French rejections of his proposals, gave instructions for a mustering of 25,000 troops on the Dutch border. Carmarthen then wrote to Ewart, the Prussian Ambassador, that George III was prepared to discuss with Frederick William the means of preserving the independence of the Dutch Republic and the rights of the Stadtholder, adding the important information that in his opinion France would not thwart the Prussian monarch's resolve to gain reparation for the insult.²⁵ But in August Eden advised Carmarthen of the opposite view, that France intended to forcibly intervene if the Prussian troops entered the United Provinces, and that Montmorin,²⁶ Vergennes' successor at Versailles, had rejected a recent proposal from Berlin for a Franco-Prussian intervention.²⁷ Montmorin had allowed rumours to circulate that he was massing troops at Givet, on the border with the Austrian Netherlands, and that the shipyards were being made ready for conflict. Harris, in trying to ascertain the truth of the rumours, reported that he believed them to be false. In fact, Montmorin was trying to persuade the Patriots to apologise to the Princess and accept mediation.²⁸

At the end of July Pitt sent his cousin Grenville to assist Harris and ascertain the true state of affairs. Grenville confirmed what Harris had been reporting and more importantly advised the House of Orange that Britain

²³ The Franco-Dutch treaty of alliance was signed on 10 Nov. 1785. In it the French Government guaranteed the possessions of the United Provinces; and each of the two countries agreed to furnish ships and men to each other in the case of attack by a third party. (Rose, p.316)

²⁴ Ehrman, I, p. 530.

²⁵ FO, Prussia, 11, Carmarthen to Ewart, 17 Jul. 1787, cited in Rose, p.365. See also the letters of 4 and 6 Sept. 1787 from the Stadtholder and Duke of Brunswick to George III. LCG, I, pp. 321-2.

²⁶ Comte de Montmorin, French Foreign Minister, 1787-9.

²⁷ Rose, pp. 366-7.

²⁸ Ehrman, I, p. 531.

would go to war rather than abandon their cause.²⁹ Harris was promised more money, supplies of ammunition for Holland were secretly gathered, and the British adjutant-general sent to Hesse to negotiate for more troops.³⁰ On 2 August Pitt wrote to Cornwallis that Britain could not let France become ruler of the Dutch, and by so doing add enormously to her power and naval strength in the Far East. Pitt hoped that France, Prussia and Britain could mediate a peaceful solution, but if the Patriots refused to apologise to the King of Prussia he would send his troops into that province. If war broke out, he wrote to Cornwallis, then the Governor-General was to immediately attack the Dutch settlement at Trincomalee, while a force would be sent from England to take the Cape of Good Hope. 'The first struggle will naturally be for the foreign dependencies of the [Dutch] Republic; and if at the outset of the war we could get possession of the Cape and Trinqueemele, it would go farther than anything else to decide the fate of the Contest.'³¹

Pitt advised Eden that the best way round the impasse was for the Dutch to apologise to the Prussian King, and then for the Free Corps, which now had an overwhelming number of French officers and soldiers among their number, to disband preparatory to mediation talks between the three powers – France, Prussia and Britain.³² Eden replied that France was only prepared not to form the military camp at Givet, provided that the Prussian King limited his claim for satisfaction, which France would then help to procure from the Patriots. Pitt wrote again to Cornwallis on 28 August and explained that provided the talks between the King of Prussia and the Dutch Estates were settled first, then mediation on the other matters could commence. Still, as a matter of caution Pitt ordered that another regiment be sent to Bombay.³³ Vêrac, the French Ambassador at The Hague, assured the Patriots that France would never desert them. The following day Montmorin recalled him. On 29 August Montmorin informed Eden that it was now

²⁹ *Ibid.* p. 532.

³⁰ *loc. cit.*

³¹ PRO 30/8/102, Pitt to Cornwallis, 2 Aug. 1787. When the British did eventually occupy the Cape of Good Hope in 1795 it was done with the assent of the Stadtholder, who had obtained by that time asylum in England. (Harlow, I, p. 383n)

³² Rose, p. 371.

³³ PRO 30/8/102, Pitt to Cornwallis, 28 Aug. 1787.

impossible to disarm the Free Corps. On 3 September Frederick William issued an ultimatum to Holland. Montmorin informed Eden on 4 September that the Free Corps had already taken political control of a number of Dutch towns, to reform them, and that as far as Montmorin was concerned the matter was finished. He added that the Stadtholder would do well to abdicate in favour of his son.³⁴

Then on 7 September news was received by the Prussians that Turkey had declared war on Russia. This meant that Emperor Joseph II of Austria would have to assist Russia, as there was a treaty between them. That immediately eased the pressure on Prussia and Britain, and raised the stakes greatly for France, for Austria was unlikely now to provide any troops to assist France with any of her threats. As a result, France employed a double tactic. First, she sent envoys to Berlin to try and win over Frederick William II without success, while at the same time Montmorin gave Eden the contrary view, that France would support Holland in whatever way necessary.³⁵ Pitt refused to accept what Montmorin was suggesting, not least because he knew that the funds did not exist in the French Treasury for such a course of action, and told Eden to inform Montmorin that if France did not back down in Holland then it would lead to war as Britain could not stand by. If France wanted to maintain her influence on the Dutch Patriots, he wrote, then she would have to 'fight for it'.³⁶ On 14 September Prussian troops, under the command of the Duke of Brunswick crossed the Dutch border.³⁷ On 16 September Montmorin informed Eden that France had received a request for help from the Dutch and intended to provide that assistance.³⁸

Pitt now called a Cabinet together where the decision was taken to advise the King that Britain needed to put itself on a war footing. Forty ships of the line were prepared for sail, together with three foot regiments, a

³⁴ *Auckland*, I, p.192, Eden to Carmarthen, 4 Sept. 1786.

³⁵ *Auckland*, I, p.193, Eden to Carmarthen, 13 Sept. 1787.

³⁶ *Auckland*, I, p.195, Pitt to Eden, 14 Sept. 1787.

³⁷ Rose, p. 375-7.

³⁸ *Ibid.*

battalion of foot guards, and eight companies of the Grenadiers.³⁹ Pitt then sent Grenville back to France to advise Montmorin that Britain supported the Prussian advance, and would resist any armed intervention by France. Grenville was also told to attempt an amicable settlement of 'all material points'.⁴⁰ On his arrival in Paris Grenville first of all learned from Eden that Montmorin had advised him (Eden) that if the Dutch gave in without a fight then he, Montmorin, would advise the French King not to fight. Clearly the French did not want to go to war. In fact they could not afford to do so. But in public Montmorin maintained a more defiant stance with Grenville. Over a number of meetings between the two France seemed reluctant to alter her position and Grenville returned to London on 3 October. He reported to Pitt that a further show of force by Britain would invariably cause the French to back down, and as a result Pitt ordered the reinforcement of the fleet at Spithead.⁴¹

Things now moved quickly. Brunswick had besieged Amsterdam, and that city, after realising that French help would not be forthcoming, surrendered. On 2 October Britain had signed a secret Convention with Prussia confirming mutual support and agreeing the terms of a settlement. These were read to a Dutch deputation that had arrived to apologise to the Princess of Orange for her arrest. Austria, meanwhile, had refused a request for help from France.⁴² The Convention with the Dutch was published on 26 October and the following day France renounced any intention of wishing to intervene and agreed to a mutual disarmament measure with Britain.⁴³ The French declaration went further for it also stated that France no longer held any hostile views in relation to any Dutch possessions anywhere. This was a complete turnaround of French aims over the previous four years and a complete victory for Pitt. Since 1786 Pitt had taken complete control of all foreign negotiations, and especially in Holland had stamped his personality on all decisions. As Montmorin so aptly observed, 'Lord Carmarthen...n'est

³⁹ LCG, I, p. 326, Sir George Yonge to George III, 24 Sept. 1787; *Leeds*, p.118; Rose, p.377.

⁴⁰ *Dropmore*, III, p. 425, Grenville to Harris, 21 Sept. 1787.

⁴¹ *Dropmore*, III, pp. 426-36. See also Rose, pp. 378-81 and Ehrman, pp. 534-6.

⁴² Rose, pp. 379-80; Ehrman, p.535.

⁴³ *Auckland*, I, pp. 256-7.

que le prête-nom de M. Pitt?⁴⁴ Throughout this time Pitt had also developed a mutual understanding with George III over potential military intervention. Whilst both wanted to maintain peace, the King came to realise and understand Pitt's view, which was that the threat of military intervention in Holland and the possibility of war with Britain again, would cause the French to retreat from their standpoint. Each kept the other fully informed of developments, and Pitt especially wanted to assure the King that he had a complete grasp of the larger picture of international politics. The collaboration was a great success.

Pitt had also started on other developments for the Far East, which whilst not completed entirely satisfactorily, nevertheless caused the minds of all his Cabinet colleagues, as well as those of Dundas, Grenville and Hawkesbury, to become focussed on the Indian and China trade. For ultimately, that was what winning the Dutch situation meant. Pitt knew that the Dutch were unable to safeguard their East Indian bases. Pitt and his colleagues were to spend the next five years trying to form a successful commercial treaty with Holland that revolved around what each was prepared to give, and or concede, to the other. The main thrust of Britain's position was free navigation in the Eastern Seas, which the Dutch felt uncomfortable about, and the cessation of Trincomalee and Rhio for Negapatam. The Dutch had due cause to be unhappy for there had been an increase in both the 'private' and 'country' trades in the region for the past twenty years, and as late as 1784 Britain had tried to capture Rhio at the eastern end of the Straits of Malacca.⁴⁵ In coming to terms Britain was prepared to give up the right of its citizens to trade with any islands east of Sumatra, nor form any settlements there without the consent of the Dutch. But Britain added a vital proviso that if the Dutch granted any privilege of trade or establishment to another European power in those seas the concession would become void.⁴⁶

⁴⁴ 'Carmarthen...isn't that the pseudonym for Mr. Pitt?' Instructions for the Chevalier de la Luzerne (Ambassador to England), 7 January 1788, cited in Ehrman, p.536.

⁴⁵ Harlow, II, pp. 343-4.

⁴⁶ Harlow, II, pp. 387-8.

In 1784 the authorities in Bengal had ordered a survey to be completed on the Malacca Strait. Thomas Forrest, the Company servant tasked with the review, surveyed both the Mergui Archipelago and both ends of the Strait. The Mergui Archipelago offered a number of favourable opportunities, especially shelter from the various monsoons, and a British port in that region would offer safe anchorage for passing ships. It would also attract trade from Burma and Siam. However, the Dutch had sacked the local authority in Rhio and Britain sought a new port of call. Penang was chosen, halfway between Mergui and Rhio. Acheen and an island called Jung Saylang were also considered but rejected for various reasons. In June 1786 the Court of Directors, with Dundas's approval, wrote to the Governor General:

We wish, without embroiling ourselves with the Dutch, or giving them any well founded jealousy of our intending to wrest from them or rival them in the Spice Trade, that every practical method should be tried for extending our commerce amongst the Eastern Islands, and indirectly by their means to China... How far it may be proper to intimate such intentions to the Dutch Government, or only to leave them to take effect by their operation must be left to your judgement.⁴⁷

On 11 August 1786 Captain Francis Light took possession of Penang, hoisted the British flag and renamed it Prince of Wales Island. Various concessions, which had been held out to the local ruler were not forthcoming, however, and were to lead to Light's ultimate demise.

Throughout the later negotiations with the Dutch, from 1788 to 1792, Britain insisted that the Dutch should give Trincomalee and Rhio to the British in return for Negapatam. This, the Dutch steadfastly refused to do believing that if they did they would give up all rights and opportunities in the Far East. Pitt and Dundas wanted to create an enormous trading empire, throughout south-east Asia that would reduce and eventually eliminate the commercial monopoly held by the East India Company, as well as establish Britain as the dominant power in the region. Penang never quite fulfilled what Pitt wanted

⁴⁷ Court of Directors to Governor-General, 27 June 1786, cited in Harlow, II, p.354.

because it was too far from India to be useful as a naval base, and too far north of the Malay Archipelago to form a serious trading base. That position would be taken eventually by Singapore, but Penang was a beginning, and it sent a clear and unequivocal message to the other European nations.

Pitt also took steps to secure safe naval bases in the Indian Ocean. On 9 April 1785 secret orders had been sent by the Board of Control to the Governor-General that he was to investigate the situation in the Nicobar Islands. If they were not occupied by any other European nation then he was to take possession and establish a harbour at Nancowry. If the Danes, or anyone else had arrived there first, he was to establish a base on another island. The officer sent on the mission, the instructions ran on, should do everything to avert conflict, and obtain the consent of the local natives for what he was to achieve.⁴⁸ Then on 27 June 1785 the Board of Control sent secret instructions to the Court of Directors to ascertain from the Bombay Presidency the possibility of settling Diego Garcia, 7° 15' south. In March 1786 the Bengal Presidency reported that the Nicobar Islands were considered as unhealthy, with few anchorages and little sustenance, and inaccessible at certain times. However, the Andaman Islands, which had also been surveyed, did offer advantages that the Nicobar Islands lacked. In addition, the report stated that Diego Garcia could not be settled without enormous expense.⁴⁹ In 1789 Cornwallis acted upon a new survey of the Andaman Islands and established a penal colony on one of the islands.⁵⁰

Whilst Britain had still not managed to convince the Dutch to hand over either Trincomalee or Rhio, it had managed to make relatively safe the sea route to India, and to a certain extent to Canton. Whilst negotiations would continue with the Dutch, on friendly terms and to the exclusion of the French at this stage, there were also relatively safe passages through the other straits in the Malay Archipelago. If all else failed, then at Botany Bay Britain planned to secure the southern route around New South Wales. As

⁴⁸ OIOC L/PS/2/1, f.3, Board of Control to Governor-general at Bengal, 9 Apr.1785.

⁴⁹ OIOC H/606, ff. 5-15.

⁵⁰ Add. Mss. 34467, ff. 145-63, Cornwallis report, 9 June 1789.

this latter base would be brand new, on land previously unsettled by any European power, the British Government now thought about what would be required for its success.

A number of matters were considered for the settlement. Among the most important were how it was to be governed. Should it be in the form of a civil or military government, or under a system of settler self-government? What was the cost of getting settlers to New South Wales going to be? Was there any way of reducing that cost? Should the settlement be guarded? What stores would be required? Should women be sent directly or procured from neighbouring Pacific islands? Should trade be allowed in any form?

Self-government had been tried in the thirteen American colonies prior to the War of Independence, and the East India Company and British troops exerted military control in India. Throughout the eighteenth century Britain had been experimenting with different forms of government in their colonies around the world with varying degrees of success. But as the century developed the home Government came to have an increasing role in the administration of those colonies, especially where trade was concerned. In so doing they increased the military supervision necessary to protect those trade rights. This could be in one of two forms: a naval presence to safeguard the settlement from an assault by enemy shipping, or a military presence on the ground to prevent attack from ground forces. To assist the process a unique group of people were used, the marines – essentially sailors while at sea, soldiers whilst on land – they were first formed in 1755.⁵¹ Naval squadrons were then stationed in the West Indies and East Indies stations, for permanent deployment as and when required. There were also squadrons stationed off the West coast of Africa and to protect the Newfoundland fisheries. Marines were also sent with the First Fleet to New South Wales.

To assist the process of supervising the colonies it was considered necessary to have either a colonial agent or an appointed Governor. The

⁵¹ Alan Atkinson, 'The First Plans for Governing New South Wales' *AHS*, Vol.24, No. 94 (1990), pp. 22-40.

Governor was the representative of the Crown, expressing its wishes and enforcing its will, while the colonial agent could be considered the representative of the Legislature in England, to plead its causes and express its purposes. By the late eighteenth century those people were expected to report relevant information to the home Government as to the conditions in or affairs of the colony they represented. They could also make requests for munitions and military assistance where required.⁵² At home there were a number of interested parties to represent the colonies' views in Parliament, for example the West Indian and East Indian interests. In the 1784 Parliament forty-five MPs represented the East Indies and nine MPs represented the West Indian merchants. In addition, thirteen Aldermen of the City of London were returned to represent the City merchants who had interests in British settlements and colonies all over the world. But it was primarily in the enforcement of the Acts of Trade that the policy of the commercial and political subordination of the colonies was most apparent.⁵³

Pursuing that policy required two other measures: defence against European and native enemies; and strict supervision over all aspects of colonial behaviour. That latter supervision was essential to prevent any hasty growth of independence by the newly-formed settlement, and it was also required to emphasise the superiority of knowledge that the settlers brought with them. It taught colonies to be independent but stable environments, with a principle of elementary justice and a consistent set of legal principles. So, in deciding the type of government necessary for New South Wales it was necessary for Government to look at possible sources of trade, what defence would be necessary to maintain the settlement, and the supervision necessary by the home Government.⁵⁴

Whether the new Governors of New South Wales were to be invested with legislative authority seems doubtful. What is now known is that they had no express authority to make laws in the colony either by Commission or by

⁵² Ibid.

⁵³ L.B. Namier and John Brooke, *The History of Parliament – The House of Commons 1754-90* (London, 1964), pp. 136-57.

⁵⁴ Sir William Holdsworth, *A History of English Law*, Vol. XI (London, 1937), pp. 76-84.

Act of Parliament. Instead, they were invested as Captains-General, which gave them powers of command over all military forces stationed in the new colony. This power extended to the convicts as well. But there would be others who would not be subject to military discipline, like the wives of non-convict members of the First Fleet and their children. Before the First Fleet sailed Pitt sought advice from Lord Camden as to what form the judicature should take in the new settlement. Camden wanted a jury system implemented as soon as possible.⁵⁵ Unfortunately this was not to happen until well into the nineteenth century. In the interim the Governor was made Governor-in-Chief, and to assist him he was to have a Lieutenant-Governor and Judge-Advocate. In other words, the settlement was to be under a hybrid of military and civil law; military in form, civil in function. This was an unusual step to take, and denotes a willingness by Government to take on board some of the recommendations of the Beauchamp Committee. Remember that the Committee were averse to any form of self-government by the convicts, but believed that effective control, probably by a military garrison, would enhance the convicts' ability for rehabilitation.

Once the decision had been made about the form of a settlement at Botany Bay Government now needed to consider the selection of the Governor for the settlement. Normally naval personnel were chosen for those positions as they were considered to have the ability and expertise to exercise the legal command necessary, but occasionally high ranking military officers were considered, as in India for example. In October 1786 Arthur Phillip was chosen and given his first commission. This commission was in the form of a military commission. Phillip was a Post-Captain in the Royal Navy but on half-pay working at his farm in Hampshire. He was not the considered choice of Howe, the First Sea Lord,⁵⁶ but there were other reasons for the Government choice. These can be found by looking at Phillip the man, and also the people he was to govern, and what he was expected to achieve in the new settlement.

⁵⁵ PRO 30/8/119, f.47, Pitt to Camden, 29 Jan.1787.

⁵⁶ CO 201/2, f.31, Howe to Sydney, 3 Sept. 1786.

Arthur Phillip was born in London in 1738, the son of a language teacher of German origin.⁵⁷ His mother was the widow of a Royal Naval Captain when she married Phillip's father, a reputed 'native of Frankfort', and a teacher of 'the languages'.⁵⁸ Through his mother's first marriage there were strong connections with the navy. After attendance at Greenwich School for the sons of seamen he started in the Merchant Navy before transferring to the Royal Navy at the start of the Seven Years War in 1756. He was commissioned lieutenant in 1761 but retired on half-pay in 1763 at the war's end. During the year he married Margaret, the widow of a wealthy London merchant, and moved to her property in Hampshire where he acquired some knowledge of farming. It was here that he came to know another Hampshire landowner, the Under Secretary at the Treasury, George Rose.⁵⁹ Like Phillip, Rose had recently served on the West Indies station. Rose was wounded twice before leaving the navy to work in Parliament. During Phillip's time in Hampshire the marriage broke down, and Phillip went briefly to France for six months in 1769, before returning to England and the navy in November 1770. Although not involved in any further action he stayed with the *Egmont* until July 1771 when he again left England and went to France. There he stayed until the summer of 1774. It is probable that Phillip was engaged on spying missions during these French sojourns. In December of that year he sought and was granted permission to enter the Portuguese navy.

Phillip was raised to the rank of Captain and commanded the Portuguese squadron in and around Rio de Janeiro. Now he added knowledge of both Spanish and Portuguese trading patterns, colonies, defences and habits, to those that he had learnt about France and the American colonies. In addition, he gained a command of both their languages, to add to his English, French and likely German. Whilst stationed at Rio he had also had the opportunity to see at first hand the diamond and gold mines in the interior and the way the African slaves had been used and

⁵⁷ For a detailed biography of Phillip see Alan Frost, *Arthur Phillip, 1738-1814: His Voyaging* (Oxford, 1987) from which I have taken this synopsis of Phillip's life, unless otherwise stated. I have also drawn on Michael Scorgie, 'Arthur Phillip's Familial and Political Networks', *JRAHS*, vol. 82, pt. 1 (1996).

⁵⁸ It is likely that he would have learnt some German from his father in his formative years.

⁵⁹ J.J. Auchmuty, 'Governor Phillip', *JRAHS*, Vol.56, Part 2 (June 1970), pp.81-91.

abused.⁶⁰ Perhaps more important, Phillip now had experience of command, not in the usual manner, but with nationals of another country, for he was a commodore of a small fleet in Rio and fought several successful actions against the Spanish in the River Plate area. Command inevitably leads to a certain feeling of isolation and loneliness, and this was especially true in the days of sail. Captains had to think on their feet; they were ultimately responsible for all matters relating to the smooth running of the ship. This usually proved itself in time of war or action at sea. So Phillip was accustomed to making decisions, alone, and without consultation if necessary.

In November 1781 Phillip was returned to the Royal Navy and promoted to Post Captain and placed in command of the *Ariadne*. With that ship he sailed to Germany to collect a detachment of Hanoverian troops but the weather forced him to stay there a number of months, which would have presented little hardship as he was probably fluent in that language as well. While there he observed the Dutch recruiting German nationals for their navy, a matter he reported to the Admiralty on his return. By November 1782 he was placed in charge of the *Europe*, a 64 gun fourth rate ship of the line. At last he had the command he wanted. He also made the acquaintance of Evan Nepean who was to become the Under Secretary at the Home Office, and, in due course, the two were to become firm friends.

In January 1783 Phillip sailed with others for India by way of Rio de Janeiro, passing Cape Town and Madagascar and restocking at the Comoros Islands. After arriving at Madras where he consulted with Admiral Hughes, he was then despatched home again in October. The fleet called at Cape Town where a large number of the crew were sick with scurvy. Again bad weather forced a prolonged stay and the ships also required some repairs. This enabled Phillip to gather the necessary stores to heal the sick and fight the scurvy affecting them. Living ashore to oversee the repair operations Phillip obtained first hand information on the Dutch and the Cape

⁶⁰ See Frost, *Phillip*, esp. Ch. 2.

colony's resources and society. Women outnumbered men three to one in the Cape, and there were 17,000 whites to 30,000 black slaves. Prostitution was rife and slaves were used to carry out the heavy work; building, cutting timber, hauling water, preparing farmland, and general domestic duties.⁶¹

Phillip again reported to the Admiralty on all that he had seen and heard on his return in April 1784. He was now considered a trustworthy man. He was able to understand and report on geography, from both cartographical and military viewpoints. As such he was sent in 1785 to find out all that he could on the French naval port of Toulon and other French ports, to ascertain their naval force and the stores they held in their arsenals. He was paid by Nepean, the Permanent Under Secretary at the Home Office, out of secret service monies for this work. He now had knowledge about, if not the acquaintance and friendship of, two key civil servants in Pitt's Government: Nepean at the Home Office and Rose at the Treasury.⁶²

Phillip was also able to conduct negotiations with foreign authorities – German, Dutch, Portuguese and Spanish. He followed orders with the minimum of bitterness or recalcitrance. He had a masterly knowledge of world geography and had sailed in all the oceans except the Pacific. He had knowledge of naval warfare, having served in the West Indies and in Portuguese conflicts with Spain. He was aware of health and safety matters, both for his crews and civilians. He was able to report concisely and fluently on all matters relating to intelligence with an innate knowledge of the industries of Holland and France. He had great knowledge of foreign shipping. He was now fluent in at least five European languages – English, French, Spanish, Portuguese and German. There was a hint that he could also speak Dutch.

⁶¹ Ibid., p.124.

⁶² Nepean was himself the product of the Royal Navy. In 1776 he was purser of the *Falcon* on the coast of North America. He also served on the *Harpy*, the *Hero* and transferred to the *Foudroyant* in 1780 where he served with Jervis, later Earl St. Vincent. By 1782 he was secretary to Lord Shuldham, port Admiral at Plymouth.

So why appoint a man of such obvious talent simply to create and then oversee a faraway open prison? We may never know the answer to that question, if that is the correct question. Perhaps it should be framed in a different way. Why appoint a man of such obvious talent to oversee a new British settlement far away from home? If the question is framed this way then it leads to the consideration of the remainder of our earlier questions – cost and purpose. When those issues are examined it is possible to draw together the threads that ran through Government thinking, from Matra's first proposal to Sydney's request to the Treasury.

The colony was expected to be run at minimum cost to the Government and to be self-sufficient within three years of being started.⁶³ Government had learnt the lessons of new colonies started in the Americas with essentially free peoples. Those colonies had posed various problems, either through lack of expertise or requests for more funds. Free settlers and military overseers had not always seen eye-to-eye, necessitating frequent correspondence with the home Government on the most mundane of matters. In New South Wales the Government had an opportunity to use a work force that had virtually no rights. By severely restricting that workforce until the plans for the settlement had been laid and developed the home Government could exercise a far greater deal of control than hitherto. For ten years Government had put that workforce to good use in the hulks. Through that work some convicts had been rehabilitated and recommended for pardons, and there had been a knock-on effect of a monetary return for the cost of keeping them. Most of the time they had been deployed on dredging and dock-making works, in the Thames at first, and as the hulks developed, into some of the other great naval ports as well. A workforce of some kind was essential in the settlement as Banks had testified that the Aborigines were scarce and unlikely to be employable. At no time had anyone made the suggestion that a workforce should be captured or brought from some Pacific island for the purpose, although there had been mention of procuring

⁶³ HO 42 / 7, ff. 23-4.

women.⁶⁴ If women were to be procured, for what purpose? The women would be free settlers and expected to make liaisons with the convicts and help them to settle into their new way of life. But children were also likely from such liaisons. In turn they would also grow into free men and women. A convict workforce was a malleable thing; it could be controlled in whatever way the Governor felt necessary to ensure survival. Heavy work like farming, building, and clearing could all be done under close supervision. Phillip had previous experience of such matters. But free men were also essential, to bring stability, to show the benefits of rehabilitation, and in bringing the children to adulthood show the benefits of leading a clean and moral life.

Furthermore, the new colony could not be settled by the emigration of free settlers or artificers. Previous laws had made that route difficult. Should such people have been used or encouraged there would have been an outcry from the manufacturing industries, who held a powerful sway in the Parliament of the time. And, since 1771, influential men such as Eden and Blackstone had denigrated any policy that used emigration of young, fit, able men and women to start any new settlement. Their principal concern was to preserve Britain's working skill and manpower. Therefore, the only elements within the population which could be dispatched to Botany Bay without domestic loss were the convicts then embarrassing the community. There was a direct parallel between using the convict material available and the use of the unemployed debtors to found the state of Georgia in 1732.⁶⁵ If persons with additional skills were required in the settlement then perhaps they could be supplied by way of the marines, sent to guard the colony, who were essential in any case. Although there is little evidence that the marines and sailors were especially selected for the voyage because of their trade skills there is little doubt that Phillip used them in that capacity after arrival.

On his arrival at Botany Bay on 18 January 1788 Phillip immediately made the assessment that the area was unsuitable. Leaving Captain Hunter

⁶⁴ See Matra's original proposal, CO 201/1, ff. 57-61 and the 'Heads of a Plan', T1/639.

⁶⁵ Trevor Reese, 'The Origins of Colonial America and New South Wales', *AJPH*, Vol.7, No.2 (1961), pp. 186-97.

in charge he set out to find a better place for the foundation of the colony. The place he found was Port Jackson soon to be renamed Sydney, after the Home Secretary. One can only begin to imagine the surprise of the British when La Pérouse, the renowned French sailor, came into Botany Bay on 24 January. This after all was only the third time in the history of Eastern Australia that any European had arrived there. However, whilst there is no direct evidence that Phillip was briefed about La Pérouse, there was such concern in Government when they heard the news that it is highly likely that Phillip was briefed. La Pérouse was unable to ascertain the true nature of the settlement, but he was a wise and wily sailor.⁶⁶ He also had taken convicts on board preparatory to sailing, and his instructions mentioned the possibility of founding a penal settlement in New Zealand. It would have been obvious to him that Britain had outsmarted the French on the Pacific rim. But Phillip was able to find out that La Pérouse had visited all the places in the Pacific region that Britain had shown an interest in since Cook's voyages: the coast of Chile, California, Nootka Sound, Kamchatka, Manilla, and the Friendly and Sandwich Islands. He had also reconnoitred Norfolk Island, but was unable to land on account of the seas. All this Phillip duly reported to Sydney in his first despatch.⁶⁷

Within a week of their arrival Phillip moved the whole fleet – eleven ships and about one thousand personnel, convicts, marines and sailors - to Port Jackson. His first priority was to offload the convicts and stores. The land was unlike anywhere else that the convicts had seen. The trees were alien to them, the sand was pure white, and bushes of various hues and colours met their astonished gaze. In order to form a settlement the convicts needed to be formed into gangs, saw pits dug and trees felled. The ground needed to be cleared so that tents could be erected. The tents were to be the hospital until better could be built.⁶⁸ A garden was to be started as well, close to the hospital for the benefit of the patients. This was necessary as shortly

⁶⁶ John Dunmore, ed., *The Journal of Jean-François de Galaup de la Pérouse* (London, 1995), p. 448.

⁶⁷ *HRA*, p. 18, Phillip to Sydney, 15 May 1788.

⁶⁸ David Collins, *An Account of the English Colony in New South Wales* (Sydney, 1975) Vol. 1, (1798) p.5.

after landing there was an outbreak of scurvy. Phillip's instructions stated that he was to make a report of the land suitable for cultivation and prevent any intercourse between the new settlement and those of the East India Company or China, or in fact anywhere Europeans of any nation had previously made any settlement. Phillip discharged three transports in March and they sailed for China in May. That was to be the last that the settlement would see of any ship until the Second Fleet's arrival on 3 June 1790. The China ships successfully returned to England the following year. No doubt they reported on the voyage from Port Jackson, as well as the arrival of La Pérouse, and what they had been able to glean from Canton.

By July 1788 Phillip had completed the building of two stores and a number of huts for the marines. But Phillip complained that using those marines who did have skills detracted from their duty of overseeing the convicts, a duty that was contested anyway by his second in command, Major Robert Ross. Phillip described the difficulty that he was experiencing getting on with the foundation of the settlement due to the age and infirmity of some of the convicts and requested convicts in better health and preferably with some building skills. He did believe, however, that 'this country will prove the most valuable acquisition Great Britain ever made'.⁶⁹ This was unlikely to be a comment that held much water at home if all that was proposed was the continual sending of convicts to the new settlement. But it makes sense, even at this early stage of the settlement, if Phillip was tasked with making a settlement similar to Cape Town; in other words, one capable of self-contained existence with plenty of opportunity to trade with passing ships. Whilst ships from the mother country might be slow in coming there was a fair degree of certainty that ships of other nations would make their way to New South Wales during this time. Hence, Phillip's continual pleas for farmers.⁷⁰

⁶⁹ *HRA*, p. 51, Phillip to Sydney, 9 July 1788.

⁷⁰ There are numerous requests in Phillip's despatches back to England for fitter convicts and free settlers. Free settlers would have provided an extra layer of supervision and reduced some of the conflict that began to develop between Phillip and the Lt. Governor, Robert Ross over the role of the marines. (see *HRA*, series 1, volume 1)

Phillip was likewise keen to emancipate certain of the convicts. Due to an oversight of the agent, the ships' masters had not been given any papers relating to any of the convicts and Phillip was unable to ascertain the lengths of sentence of any of them. This was a major stumbling block because Phillip wished to use them in land cultivation; the more land that he could cultivate, and the quicker he could achieve it, then the more likely the colony was to become self sufficient and less reliant on stores and provisions from the mother country. That would mean less expense as well. In his despatches Phillip frequently mentioned that patience and perseverance would be required whilst the settlement was being established.⁷¹

Phillip felt that the country had rich, good soil, and identified land to the west of the settlement which, when cleared, would prove valuable for agriculture. Already he was stating that any land grant would require convict labour, and overseeing that labour required supervision of some sort. If the supervision was provided by the marines then there would be fewer marines to guard the convicts labouring in the settlement. He, therefore, sought some appointed superintendents of convicts as well as people with knowledge of tilling and cultivating land. This became essential after it was found that the crop had failed in September, primarily due to the poor state of the seeds, as they had either rotted on being sown, or been attacked by weevils on the voyage. But he had still managed to get six acres of wheat, eight acres of barley and six acres of other grain under cultivation by September.⁷²

By that time as well, the building work had continued and most of the officers' housing was complete. Work still continued on the barracks, but the hospital and storehouses were now built. If Phillip had been able to find some form of stone he felt that those buildings would last a considerable period of time. It was in September 1788 that Phillip made his first request for free settlers, especially carpenters and bricklayers.⁷³ With such free settlers Phillip felt that the settlement could be established much faster. Major Ross

⁷¹ Ibid.

⁷² *HRA*, p.74, Phillip to Sydney, 28 Sept. 1788.

⁷³ See p. 112 *supra* for similar claim from the Governor of the Gold Coast in 1784.

provided him with details of artificers among the marines. They numbered twenty nine, consisting of ten carpenters, five masons, seven shinglers, five sawyers and two file cutters, all of dubious experience, and Ross was still arguing about their use in this additional way.

In August Ross had asked Phillip what inducements he had to offer to those marines who chose to remain in Australia on expiration of their service. Phillip replied that his instructions did not permit him to give that information because, until Government knew 'the State of the Country, and of the Quality of the Soil at and near the Settlement,'⁷⁴ it would not send instructions for the encouragement of land grants. This was quite understandable but has been taken to mean that the settlement was always intended to be a convict settlement alone. This was untrue. Phillip was not a fool. He had seen the liaisons that had developed on the voyage out, as well as those that had been started since arrival. The outcome of those liaisons would be children who would grow into free settlers. If they chose to remain then the Governor had no choice but to let them. Nowhere was it stated that the settlement was to be for convicts alone. In addition, there were the marines who wished to remain, as had already been intimated by Ross.

By the end of September, Phillip was even requesting that the families of convicts be sent out as a result of the convicts' good behaviour.⁷⁵ Grenville, who had replaced Sydney on 5 June 1789, acceded to this request and Nepean wrote to Phillip on 20 June informing him of the fact.⁷⁶ At the same time Grenville now informed Phillip of the conditions required for a land grant. To every non-commissioned officer Phillip could grant 100 acres, and to every private man, fifty acres. This grant would be free of fees, taxes, quit rents and other acknowledgements for a period of ten years, after which there would be a rent of one shilling for every ten acres. In addition, Phillip

⁷⁴ *HRA*, p. 84, Phillip to Ross, 9 Aug. 1788.

⁷⁵ Noah Mortimer and Edward Westlake had shown good behaviour and industry whilst at Norfolk Island and wished to remain there when their time as transportees expired. *HRA*, p. 87, Phillip to Nepean, 28 Sept. 1788.

⁷⁶ *HRA*, p. 123, Nepean to Phillip, 20 June 1789.

was instructed 'to lay out townships of a convenient size and extent'.⁷⁷ In each town Phillip was to reserve for the Government sufficient land for 'erecting fortifications and barracks, *or for other military or naval services*, and more particularly for the building of a town hall, and such public edifices as you deem necessary.'⁷⁸ There was to be additional space allotted for a church and school. All such places, as well as the land grants, were to be reported to the Board of Trade and the Treasury.

Phillip had proved that the land could be tilled, cleared and settled. The erection of the necessary buildings for Government and military personnel had been accomplished, and stores had also been built. It appeared to the home Government that the settlement was progressing as had been intended. Now the Government felt safe in issuing Phillip's further instructions, which he probably anticipated anyway. But what were the 'other military or naval services'? Clearly the Government had in mind the formation of other settlements along the coasts and rivers in New South Wales. This was not just to benefit the Government in resolving the alleged convict crisis at home. Here were the makings of towns, with the ability to trade, both around the Pacific region, as well as throughout the country. Any trade required landing stages, especially for those essential commodities necessary for survival, for example, clothing and agricultural hardware. Ships calling at the country would also need the necessary measures for refitting, careening, and repairing. The shorefront was believed to be complete and ships could now call there. Phillip's selection of Port Jackson was an inspired choice in that respect, as it would be out of sight of passing ships unless they entered the cove. Agriculture was now being carried on at Norfolk Island and at the new farm at Parramatta. On 24 August 1789 Grenville informed Phillip that he was sending out gardeners previously employed at Kew, a farmer, a superintendent of convicts, a planter, another surveyor and an engineer.⁷⁹

⁷⁷ HRA, p.127, Grenville to Phillip, 22 Aug. 1789.

⁷⁸ loc. cit. My italics.

⁷⁹ HRA, p. 131, Grenville to Phillip, 24 Aug. 1789, enclosure 4.

Unfortunately for Phillip land cultivation and the erection of permanent dwellings had not progressed quite as well as Government had hoped, so that when he discovered a further one thousand convicts were to be sent out, he was dismayed to find that they arrived in a less than healthy condition. This could be the result of Phillip's own making. He was reporting to his superiors the general state of the colony. They did not wish to hear bad news and, whilst not hiding anything, Phillip was painting a very rosy picture in his despatches. He was unhappy with Grenville's request for forming new towns as he felt that he did not have the necessary superintendents to allow convicts to go freely to distant places.⁸⁰ This could only be resolved, in Phillip's opinion, if free settlers were sent to the settlement.

Phillip continued to write about the provisions necessary for settlement. In February 1790 he was explaining that any settler required at least twenty men to assist him on his farm, which could be anything between 500 and 1,000 acres. He went on to explain that by the third year after settlers arrived there would be a market for grain, poultry, hogs and goats.⁸¹ He also stated that it would be in the interest of Government to send any further convicts by the China ships, the route to China being safer via Port Jackson. Now he advocated Norfolk Island as the place for convicts who had no prospect of return. It was more isolated and difficult for navigators. Crucially, he stated that 'Such convicts as are sentenced for life would be perfectly safe at Norfolk Island...But from this settlement, whenever ships going to India are in want of men they will easily find means of carrying away convicts.'⁸² He was aware that convicts had been used for military purposes and the above proposal continued in that vein. Interestingly, it was only the most serious offenders, those he felt should be sent to Norfolk Island, who should be employed in that way if and when required.

⁸⁰ *HRA*, pp. 179-80, Phillip to Grenville, 17 June 1790.

⁸¹ *HRA*, p. 157, Phillip to Sydney, 13 Feb. 1790.

⁸² *loc. cit.*

By April 1790 Phillip believed that the settlement at Port Jackson had been established and he requested leave of absence.⁸³ Phillip knew that this request was unlikely to be seen and acknowledged for at least a year. In the event, Grenville was disappointed to receive the request. Grenville felt that Phillip was making satisfactory process in line with Government thinking, and wished to see it concluded to a reasonable degree before making any substantial alterations, which a change of Governor would bring. Grenville also knew the tremendous wealth of knowledge that Phillip possessed about the other European nations, which coupled with his ability to speak those languages, made him almost invaluable in New South Wales at this time.

By July Phillip was imploring the home Government to send out fit convicts, not the idle, useless or deranged who had accompanied the First Fleet and had been a burden on the settlement since arrival. Phillip felt that convicts of such a character would not only hinder the development of the colony but also be a major financial burden on the Treasury, contributing little to their upkeep and setting the wrong example to the remainder. But Government was still unable to send certain types of artificer and instead, in November 1790 authorised Phillip to grant pardons and remit sentences.⁸⁴ The reason was that Government felt that much had been learned by this time; after all the settlement had survived over two years, and despite hardships and setbacks, still continued to be viable, with a mix of officers, marines, convicts and now free men. Now though, merchants were eyeing up the possibility of trade with Port Jackson. The first merchants authorised to carry out that trade were Lambert, Ross and Biddulph of Calcutta who proposed sending essential supplies to the settlement from India. Comparative costs were given entailing a saving to Government of over four thousand pounds. In their letter to the Governor-General of India, Lord Cornwallis, they said, 'It may be also hoped that from this opening a communication between the capital of the British settlements in the eastern world and this rising establishment many important commercial advantages

⁸³ *HRA*, p. 171, Phillip to Sydney, 15 Apr. 1790.

⁸⁴ *HRA*, pp. 208-11, Grenville to Phillip, 13 Nov. 1790.

will ensue, which will greatly facilitate the prosperity of the new colony...⁸⁵ It is not clear whether Lambert, Ross and Biddulph had carried out this contract in January 1792 but the Government agreed that it would be a sensible method of gaining additional stores for the settlement.⁸⁶

By July 1791 Dundas was writing to Phillip that his suggestions were being followed and that convicts with useful skills would be sent to the colony. Yet again this shows that the initial prohibition on trade was a mere fig leaf designed to obscure the real reasons behind the colony until firm foundations had been laid. He also informed him of the triangular trade that it was hoped would be set up with the North West coast of America (Nootka Sound). Phillip now wrote to Grenville giving details of land grants. Those amounted to 1,440 acres to convicts whose sentence had expired, 1,860 acres to marines discharged from service but opting to stay in New South Wales or Norfolk Island, and 800 acres for seamen who chose to remain.⁸⁷ Whilst some of the eighty-seven persons granted land required convicts to assist them it showed a development of the system Phillip was mandated to set up. By December 1791 the number of such settlers had risen to 147.

In February 1792 the Government shipped, through Alexander Davison, two chests containing 3,870 ounces of silver dollars for the use of the Governor. In addition, the frame of a ship was sent. By March Phillip was writing home that the harvest was likely to be a great success, that the amount of rations that could be apportioned amongst the settlers could be slightly increased, and that there was the prospect of the whale fishery using Port Jackson as a potential base. Phillip also felt able to take up the offer of Lambert Ross and Biddulph, notwithstanding that further supplies were being sent from the mother country. This supply from Calcutta also occasioned another Indian merchant, John Cochrane, to write to Phillip and send him some flour as a trial, in the hope of gaining the contract should any further

⁸⁵ *HRA*, p. 222, Lambert, Butler & Ross to Sydney, 19 August 1790.

⁸⁶ *HRA*, p. 329, Dundas to Phillip, 10 January 1792.

⁸⁷ *HRA*, pp. 279-82, Phillip to Grenville, 5 November 1791.

supplies be required.⁸⁸ This arrived at a time when Major Grose, the major-commandant of the New South Wales Corps,⁸⁹ was endeavouring to get further supplies sent to the colony for the officers of his regiments. Phillip discussed this matter with Grose, feeling that he did not want to contravene the East India Company interests, and that the ration provided by Government was sufficient for all concerned. But still he felt the necessity of reporting the matter to the Government in England.

Phillip now felt that settlers would be able to achieve self sufficiency within fifteen to eighteen months, and that this would relieve pressure on the Commissariat, but already he could see that some settlers were obtaining land for some future sale. This was especially true of land grants at Norfolk Island, where 123 of the island's population of 888 were now free settlers. To this figure was added a further 179 wives, women and children of the settlers, although some of the settlers were still receiving Government stores. Just prior to his leaving the colony in 1792 Phillip wrote again to Dundas saying, '...at the moment the colony is approaching to that state in which I have so long and anxiously wished to see it...'⁹⁰

Had Phillip achieved what he set out to do? Undoubtedly he had. Both New South Wales and Norfolk Island had become self-sufficient. Crops were being grown in some abundance. Livestock was producing the meat, milk and materials necessary. Free settlers were producing their own crops and livestock and were no longer a drain on Government resources. And, despite the formal prohibition, trade had commenced. The whaling community called at Port Jackson, and trade had started to develop through the desires of the officers of the New South Wales Corps. With the difficulties that Phillip had experienced he had a necessity of sending elsewhere for essential stores and that need was being met through the East Indies. Now the country trade sought involvement and was increasingly to have a part to play.

⁸⁸ *HRA*, p. 377-8, John Cochrane to Phillip, 18 March 1792.

⁸⁹ The New South Wales Corps had arrived with the Second Fleet in July 1790 and replaced the marines.

⁹⁰ *HRA*, p. 398, Phillip to Dundas, 11 October 1792.

Phillip could be proud of what he had done. The Government had sought the best way possible to deal with the criminals in England. The funds had just not been available to take the more enlightened approach and incarcerate them in penitentiaries. Government had turned again to transportation. However, unlike in America, the population that might have used the convict labour was not present in New South Wales. Government, therefore, initially set out to employ the labour itself. The experiment with that form of convict use, on the hulks, had steadily improved and was seen as a benefit to the Government. Phillip was aware that he needed to be cautious with funds and turn the colony into a self-sufficient settlement as soon as practicable. The failure of the first crops was not due to any lethargy or lack of application but to the state that the seeds were found in after the lengthy journey. While Phillip had been initially reluctant to form the settlement with convicts, he quickly came to realise that he had little option but to reward good work, and offer convicts the opportunity to contribute to the settlement in a number of meaningful ways. The fewer requests he made of Government, especially that bore a cost, the happier Government would be.

Strategically he also achieved what Government wanted. Perhaps it was luck that brought the whole Fleet to Botany Bay as rapidly as it did, but it was enough to warn the French that the British Government meant serious business in that area of the globe. It is highly likely that on his trips to the French shipyards in 1784 he would have heard of some of the measures that the French had in contemplation and would have discussed them with Nepean on his return. Nepean, in turn, would have informed Pitt. With the arrival of *La Pérouse* so soon after the First Fleet, Phillip would have known that so large a settlement would have been reported by the Frenchman to his French masters on his return. Phillip was not to know that misfortune would prevent *La Pérouse*'s return.

Phillip also made some attempt to understand better the flax industry. However, due to a lack of skilled artisans he was unable to achieve what Government wanted in that area. Turning the flax plant into a viable cloth for sailing purposes proved more difficult than imagined. With unfamiliar plants,

lack of proper tools and equipment, little expert knowledge and no opportunity of gaining it from the local population, it is not surprising that that aspect of his instructions did not succeed. The mistakes over the suitability of the Norfolk Pine for the intended masts was a mistake that could have been made by even the most experienced gardener.

The idea of a colony had first been mooted by Joseph Banks nine years previously. He believed that the area contained all that was necessary for self sufficiency, given the right tools, seeds and management. He had communicated his thoughts to other members of the Royal Society and they in turn had submitted their ideas to Government. In due course, they had added the opportunity of transporting the most serious felons to a place where return was extremely unlikely. Not only would homecoming be difficult but in order to survive they would have to work hard. In turn that labour would keep them from any mischief. Those ideas had then been communicated to the Beauchamp committee, a committee remember that comprised merchants. That committee knew the benefits that might be obtained in due course from a successful settlement.

Underpinning both those ideas was the opportunity for Britain to have a military force permanently stationed in the Far East. The selection of Botany Bay was a masterstroke by Pitt. Other nations would probably have to call at the British settlement and, in so doing, give vital intelligence away. Alternatively, they could form a settlement of their own in the region, which again would alert the British. In the mid 1780s, after the vagaries of a long war, fought in America, those nations were more concerned with trying to bring their national funds into a more viable state than take a chance of successful settlement on the western Pacific rim. Pitt knew all this and was prepared to delay on the Treaty negotiations until he felt that he had the upper hand. Once he believed that had been achieved, and finding that other southern continents were closed to him at that time, he made the necessary move. Phillip fulfilled the function required of him admirably, and being multi-lingual, was able to inform the representative of any visiting foreign power.

It is also worth remembering that Pitt and Dundas wished to overcome the monopoly of the East India Company, which was due for renewal in 1793. The work of the Board of Control put immense pressure on the Company to conform to Government wishes, and coupled with a strong Governor-General, who worked in concert with Dundas to overcome some of the corruption prevalent by the 1780s, raised concerns over whether the Charter would be renewed. Dundas was also concerned at the Company's ability to raise troops on its own accord, a situation that he believed was ridiculous. 'I cannot conceive anything more preposterous than that the East India Company should be holding in their hands a large European army, exclusive of the Crown, to be recruited from the subjects of this country and acting either jointly or separately with the King's Troops as occasion may suggest,' he wrote in November 1784.⁹¹ The Government needed to convince the Company that the situation would be no longer tolerated, and that if it wished to keep troops in the region it must pay for them. A standing army in another part of the region demonstrated Dundas's resolve over this issue. In fact, instructions were issued to Phillip in March 1790 to supply a number of men, as well as the necessary garrison for a new settlement on the north-west coast of America at or near Nootka Sound. This was part of a new trading empire that the British wished to open in the north Pacific Ocean, namely for furs from the west coast of Canada to be taken to Korea, Japan and China.

Botany Bay was also an essential port of call for the whalers who were now granted permission to fish in the South Seas. The oil obtained from seals and whales was a staple of the late eighteenth century, and the search for it was to be a cause of friction with both Spain and the newly formed United States over the coming decades. In London, Samuel Enderby petitioned the East India Company and the Board of Trade in 1786 for permission to search for whales in the area under Company control. Admiral Sir Hugh Palliser supported the Enderby request, 'By this means many fresh places of resort for whales may be discovered and certain distant seas and

⁹¹ PRO 30/8/157, f.4, Dundas to Sydney, 2 Nov. 1784.

coasts, now very little known, may be explored and be better known, which may hereafter be of use in other respects.⁹² Hawkesbury, who examined Enderby, recommended that his petition be allowed for it would enable Britain to gain a superiority of trade in the South Seas. Again, Pitt became personally involved in the discussions with the Company, and after assuring the Company that any 'private' trade would not be tolerated, the Company issued licences for the whaling to commence. Whilst limitations were placed on the area the Enderby fleet could navigate, in practice the Company would have little control, and with the formation of the settlement at Botany Bay, Pitt was fairly certain that the whalers would call there in due course, and of course this happened.⁹³

Neither the Government in Britain, nor the founders of the colony at Botany Bay could foresee that within five years France would be devastated by revolution and a descent into another war with Britain. This would put all the plans that were being developed by Pitt, Dundas and Hawkesbury for Pacific trade on hold, and Pitt's plans for dealing with the East India Company charter as well. As a result, there was only a steady drip-feed to the colony over the next twenty-five years, by which time the colony had started to develop a life of its own. It was not until the arrival of Macquarie and the end of the Napoleonic wars that Pitt's plan started to come to full fruition.

⁹² Harlow, II, pp. 302-3.

⁹³ See BT/5 and BT/6.

Conclusion

In February 1791 Bunbury laid before the House of Commons the following motion: 'That there be laid before this House, an account of the number of convicts which have been shipped from England to New South Wales, and of the number intended to be sent in the ships now under orders for that service.' Bunbury was seeking the purpose of the colony at Botany Bay. Pitt simply replied that he had no objection to the motion. He then said: 'If reports prevailed that the settlement at Botany Bay was disastrous, and contrary to the purpose intended, it was most desirable that the public should be relieved from the prejudices which such opinions necessarily created by having the real situation of the colony explained, and stated upon grounds of authority.'¹ This was an enigmatic reply by Pitt, and easier to say that than to alert the French to his wider intentions for the colony and the region, or to antagonise the East India Company who were still jealous of their charter rights, due for renewal in 1793 year. But we can equally assume that both the French and the Directors of the Company were fully alive to Pitt's wider agenda, even if Bunbury perhaps was not.

The document does not exist, or at least has not yet been found, which categorically gives the reason for the Pitt Government's decision to found the colony at Botany Bay. Historians, in trying to establish the reasons for the founding of British Australia, have therefore had to settle for an interpretation of the various documents that do exist. In laying out their argument they have relied on that evidence which tends to support their particular case, criticising or decrying their opponent's viewpoint. Great emphasis has been placed on Sydney's letter to the Treasury and the accompanying 'Heads of a Plan'. Both documents lead the researcher directly to convicts, and interpretations have tended to concentrate on that issue, almost to the exclusion of all others. Over the years other matters have also been introduced that have tended to muddy the waters, like convict labour regulation, gender issues, or even Aboriginal aspects. All these matters came *ex post facto* and have no bearing on the decision of the British

¹ PH, 28 (1791), cols. 1221-5.

Government in 1786. To place convicts at the forefront of British Government policy in 1786 is to make it a first order issue of such magnitude that all else in the decision took second place. This was a far cry from the truth. So exactly what issues need re-examination to help us to understand the decision?

Take the first premise. Traditionally it has been accepted, on very slim evidence to start with, that Australia was founded for the sole motive of ridding Britain of her convicts because the gaols were so crowded that they could no longer cope. That first premise, the convict crisis, has consistently been taken as fact with little critical examination of the evidence for it and has never been seriously challenged. But we have shown that such a crisis did not exist in the form so readily described by so many of the historians. Rather than a convict crisis there was a prison problem. Edmund Burke claimed at the time that there were over 100,000 convicts and there have been many others since who have claimed the same. This figure presumably comes from troop discharges after the American war. In fact, as we have shown, there were never more than 7,412 in all the prisons in England and Wales. And only a little over half of these were liable for transportation. The problem was really financial. If a place for transportation could be found this would provide the cheaper solution. Otherwise, the local taxpayers would have to find the funds to build the new penitentiaries at thirty or forty times the price per convict.

Needless to say, with the exception of one or two philanthropists like Onisiphere Paul, very little prison building was undertaken. There was not even a desire to implement the supervisory policies recommended by the Parliamentary enquiries of the time, which again would have cost money and entailed commitment by the local gentry. This is stated in contemporary Parliamentary Papers. Although the landed gentry, who were playing an increasing role in local politics and the magistracy, wanted more accountability for the taxes they paid, they sought to limit local expenditure and make central Government more accountable. But Government was unable to take on that responsibility and that leads to the next major point –

one that has generally been ignored in the debate - the state of Britain's finances at the time the decision was made.

When William Pitt came to power in December 1783 England was effectively bankrupt. The National Debt was nearly £243 million and the interest payment on that debt was over £9 million with an income that was not quite £13 million. There was a very real necessity to build up the Treasury coffers, in whatever way was acceptable, in order that Britain could be governed and defended. On coming into office, Pitt had an immense grasp of the financial problems affecting the nation, and had major ideas as to how to overcome them. He introduced taxes at home for all kinds of things, some successful, others less so. He quickly recognised that the largest single commodity that could help the Government overcome its financial problems was tea; hence his introduction of the Commutation Act which greatly increased tea imports and with them taxation revenue. He attempted reform in both Parliament and the Administration to try to reduce costs. But he also conducted a detailed review of all trade matters, everywhere in the world where Britain had business, and re-instituted the Committee for Trade, ensuring that all trade matters were thoroughly examined by Lord Hawkesbury. He brought in his overhaul of the East India Company, being dismayed at the level of the debt being carried by that Company as well, and instituted the Board of Control to oversee all future affairs of the Company, at home and in India, under the direct and close supervision of Henry Dundas.

Pitt sought other ways to overcome the funding deficit caused by his continuing military costs and suffice to say, by 1788 he was successful. But he needed to be frugal with Government funds in the early years. He could not afford to spend money on prisons and even with transportation he had to be cost conscious. Unless he introduced a sound transportation policy that would not imbalance his budgets that would not have happened. Transportation to Das Voltas would have cost £12,500 for convicts alone, and there was a military garrison to consider as well. Overall it was estimated at £25 per convict, a cautious estimate. For New South Wales Nepean informed Sydney in August 1786 that the cost was estimated at £18,669 for

600 convicts plus the military garrison and civil staff in the first year, or £48 10s 0d per convict. However, Nepean also informed Sydney that the cost was expected to reduce to £7,000 in three years as the colony became more self-sufficient, or roughly £23 per convict. The cost of keeping convicts on the hulks was £31 6s 2d with a return from labour of £8 15s 3d or roughly a quarter of the cost. Pitt knew, therefore, that the New South Wales provided the cheapest solution of all. If Pitt undertook that option then it would lead to a new way of dealing with the convicts that would satisfy the Enlightenment lobby and partly resolve the prison issue. So, despite the efforts of the aristocracy and local gentry to try to get central Government to finance the prison reforms necessary, Pitt was unwilling to commit much needed cash until he had ensured that Britain could defend itself, and had achieved the surplus necessary for reducing the national debt, which in his opinion lay in trade.

The real solution to the financial problem, as Pitt was fully aware, was increased trade. This would come from the Far East where he believed the future wealth of Britain lay. That meant finding ways around the French, Spanish and Dutch who were intent on re-gaining or strengthening their colonies in the East. This was fundamentally important for Pitt, because he was still trying to negotiate trade treaties with each of these powers after the American War of Independence. Pitt knew that without reaching some form of agreement on Eastern trade his financial policy would be placed in jeopardy. But in those days when intelligence could take as long as six months to reach Government, how was Pitt to ensure that each of the other powers was keeping their end of the bargain?

Historians have tended to downplay this aspect of trade, relying instead on the West Indian trade or the East India Company monopoly to support their arguments. The West Indian trade was still important to Britain. Pitt also saw that with the Americans closer to that trade it would be necessary to implement within the region a system of free ports as well as a system of reciprocity with the new United States. In addition, Britain would

have a naval force permanently stationed in the West Indies until the end of the century, at great cost.

Such measures were highly likely in the East Indies as well but Britain could not really bear the additional cost, especially if hostilities developed. Therefore, different measures had to be implemented. Primarily, these related to safeguarding the ships carrying that trade by having a number of safe havens for them to call at; ensuring that available troops were stationed for convenience at strategic locations; and overseeing, to a greater or lesser degree the merchants carrying on that trade. There was a general desire in Britain to implement some of Adam Smith's free trade doctrines but the Government needed to move cautiously, for opening that trade to any merchant would have alienated other European nations who would see it as a direct infringement of their rights in the region.

Most notable amongst those nations was Holland, which had the exclusive right to the spice trade. But the Dutch state was also nearly bankrupt and their government was under tremendous pressure to capitulate to a French led republican Patriot party. If France, a nation that was also close to bankruptcy, had succeeded in gaining control of the Dutch Government then they would also have had exclusive access to all Dutch ports and entrepôts in the Far East. This would have given the French control there and have been extremely detrimental to Britain. Pitt was also concerned to discover that America, which did not acknowledge the Navigation Acts in the Far East, had entered into a Convention with France over the use of Mauritius. If Britain wanted to regain her position in the world of trade Pitt had to take measures that would ensure her superiority in the East and reduce, if not eradicate, any threat from any other nation. The Dutch crisis in 1787 enabled Pitt not only to win them over, but also to force a French capitulation.

This latter aspect leads to the third major argument. Whereas historians have tended to focus on the East India Company and Government measures to supervise it, the activities of other merchants have tended to be

pushed to the sidelines. But a detailed examination of those merchants and what they were trying to achieve will show that they consistently lobbied Government, won contracts, influenced debates, sat on committees, and frequently wrote the reports that formed the basis of the later Government reports. This was especially true of the merchants working in the City of London. Where this affects the founding of Australia is in the Beauchamp Committee. Call and Young had influence on that committee, and by extension other City merchants did so as well.

Pitt was aware of this mercantile interest, both at home and abroad. In essence, there were competing demands: those at home wanted to preserve Britain's growing industrial might, whilst those seeking an extension of trade abroad wanted to enhance their own profits and possibly gain influence on the Government of the day. But there were also entrepreneurs seeking to investigate commercial possibilities in areas that had been previously discovered but not yet exploited. New South Wales was such an area, and the memorials of Matra, Young and later, Call and Young, whilst seeking to develop trade, were essentially attempts to further their own interests. Matra and Young only attached an amendment mentioning convicts, in the hope of enabling Lord Sydney to overcome Cabinet indecisiveness. Dalrymple, the East India Company hydrographer, was right to advise his Court of Directors in the Company to reject the proposals of Call and Young for they were primarily attempts at independent commercial ventures. Pitt wanted some Government control over the trade, in the first instance, to enable Britain to build up a surplus of profits.

Pitt also knew that settlements abroad needed safeguarding in some form. His struggles over Ireland, and understanding of the causes of the American War of Independence, over the cost of that defence, made him acutely aware that some other mechanism had to be put in place. He had to find a force that could safeguard any settlement, whilst at the same time not arouse the suspicion of other nations, as well as form the basis for the potential growth of trade. Sending convicts as that workforce, and thereby at the disposal of the Crown to be used, as and when required, with the

opportunity of having an available military force in the region should war ensue, was the stroke of genius that enabled Pitt to circumvent the East India Company monopoly.

In the 1780s, after Pitt gained a sizeable Parliamentary majority, there was a small coterie of skilled, able people like Dundas, Hawkesbury and Grenville who systematically planned to advance Britain's empire and increase her trade. They were assisted in their deliberations by an equally skilled group of civil servants, Nepean, Rose and Fawkener, for example, who were both trusted and at the head of their respective departments, and who sought to ensure the policies formulated by Cabinet were implemented as planned.

Where opposition was forthcoming, and potentially damaging, Pitt played another trump card. He appointed an opposition spokesman, Lord Beauchamp, to chair the Parliamentary committees set up to resolve the prison problem. Whilst those appointed to the Committee were mainly anti-Government, when the Committee actually sat it was packed with pro-Government supporters. By placing the problem in the hands of Beauchamp, an outspoken critic of Government, Pitt made a brilliant move. If the Committee's recommendations were unacceptable to Government, Pitt could reject it and he did so. He sought verification that the Das Voltas region could deliver what they were recommending and found that it could not. But equally he was in possession of other information that was fundamentally important for Government. That information related to the French and their machinations to control the Dutch.

To argue that Britain had no imperial thoughts or ability at this time is to fly in the face of the evidence. As a result of Pitt's perspicacity by 1788 Britain had a superior naval force by a long way, and the administrative ability, if necessary, to wage another conflict with fatally damaging consequences for any other European power. To ensure that any such conflict would inflict the damage required Pitt set about building the bases necessary for overall control and he did this eastwards and westwards.

Eastwards, the Government reconsidered plans for a settlement on the south-west or south-east coast of Africa; claimed possession of various islands in the Indian Ocean; secured Penang on the northern route to Canton; made treaties with the Dutch to secure the other northern sea routes to China; sent whaling expeditions to the South Seas, not only for trade purposes but also to gather much needed intelligence on foreign shipping, especially that of the North Americans, in the region; coerced both the East India Company and to a lesser extent the South Seas Company to allow Etches's north-west Pacific ventures for a fur trade with China; and continued searching for the north-west passage. Botany Bay was just another aspect of that global strategy, and secured both the southernmost route to China and also the Pacific by the eastward route. Its main advantage was position, being far safer than the Magellan Straits or any of the Pacific islands.

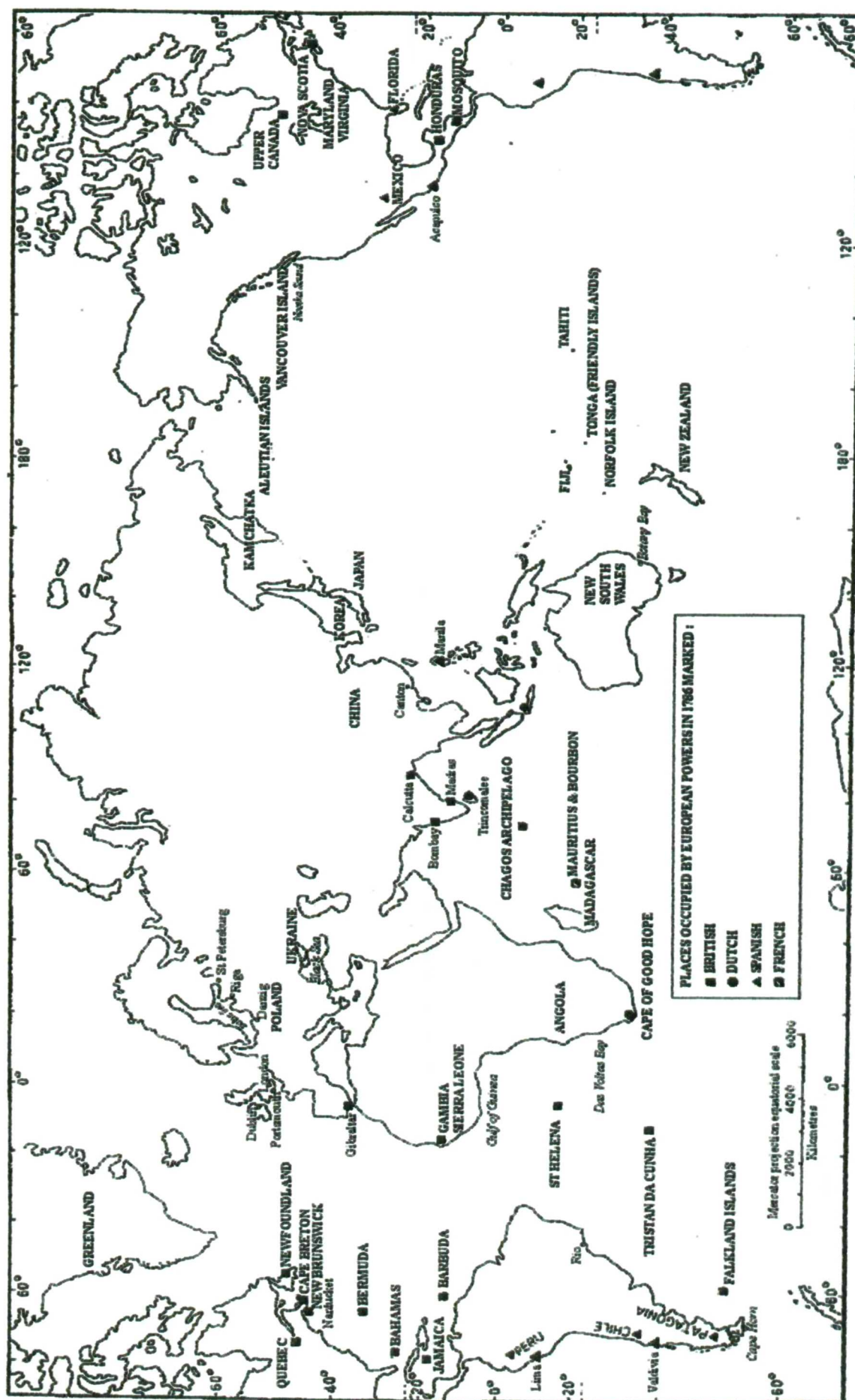
Past analyses have tended to look at these three aspects - the prisons, finance but only in the sense of prison or transportation costs, and strategy, but then failed to drill down below the surface of each of them. Each was important, and in New South Wales interdependent with the others. Pitt needed to find some way around the cost of any scheme. After his talks with William Richards the solution was found: to bring the East India Company on board. The First Fleet was ballasted with convicts, and then as a speculative measure three of the ships were allowed to continue their voyage to Canton. The return cargo was essential both to convince the Company of the necessity of the voyage, and also to gain much needed freight. In so doing, it made profits for the Company and saved money for the Government. That return route also enabled Government to test the situation in the Far East to ascertain that it was safe. The safe return of the ships and their large China cargoes ensured that it was.

There was another important aspect to the colony. The intelligence gained with the arrival of La Pérouse in Botany Bay, confirmed Pitt's view that the French could not be trusted, and as has been shown, while they might be seeking favourable treaties with England for their European trade, in the Far East they still wished to eclipse British primacy in the region. The

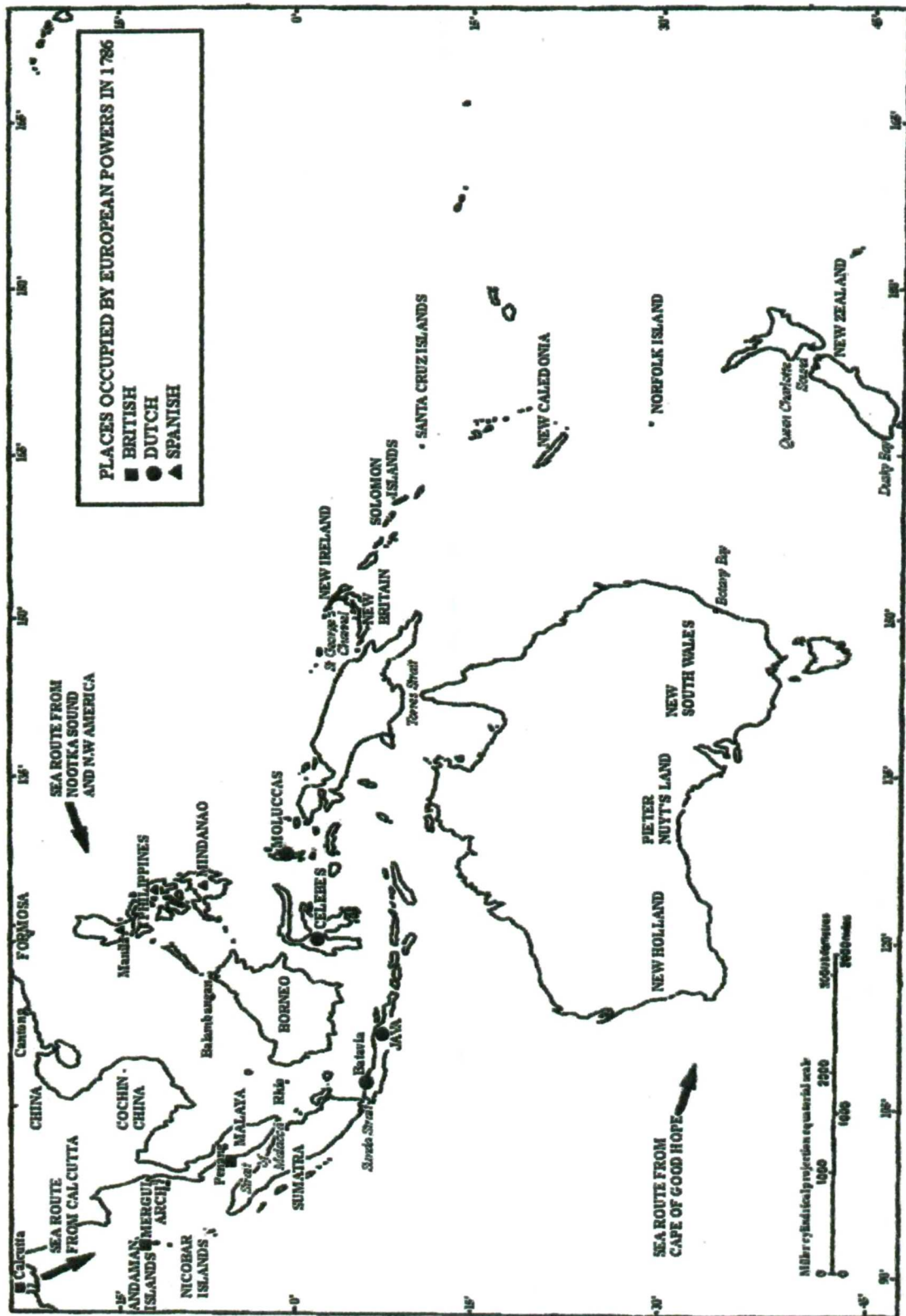
French knew that the Dutch were a spent force, as did the British. Both England and France were making efforts to bring the Dutch around to their side, the French by hostile actions in Europe, the British by a favourable treaty respecting their spice trade. This latter aspect would then give the British unlimited opportunity to use Dutch ports and bases in the East. But in case they reneged on the deal the British needed to ensure that they never again lost the opportunity for primacy in the region. The French continued to seek a Pacific base sending fleets to the region under the commands of Baudin, D'Entrecasteux, Du Fresne and Freycinet, with varying degrees of success. The British ultimately took control of the Cape of Good Hope in 1795 thus securing the western approach to the Indian Ocean, where Botany Bay secured the East.

Let me summarise the main arguments of this thesis. Pitt took control of the country after a period of intense political instability. When he took over the reins he found that the finance was not available in the Treasury for a large number of domestic and foreign matters and set about putting in place measures to collect taxes, and make that collection more efficient. He was also prepared to implement legislation that gave the Government greater control of the East India Company and all trade with the Far East. By examining the various Parliamentary committees that looked into the prison problem during the American War of Independence, it has been shown that various MPs sought a change in those policies but were hampered by the unwillingness of county authorities to implement the expensive measures recommended. All clamoured for a reinstatement of transportation but as has been shown that could no longer take place to any of the King's Dominions and there was intense opposition to sending the convicts to West Africa. An alternative destination needed to be found. Mercantile rivalry came to the fore when the Beauchamp committee was formulated and Pitt's supporters were able to influence it into recommending that transportation should be aligned to trade. What they sought, however, was a reappraisal and implementation of the Atlantic triangle, which was not what Pitt wanted. Finally, it has been shown that France, Spain and Holland played an important role in influencing Pitt's concern to safeguard his Eastern trade routes.

The decision to found a colony at Botany Bay was made for financial, strategic and penal reasons. In terms of Pitt's major concerns finance was the first order priority, closely followed by strategy and trade in second place and well down the list, as a very distant fourth, came convicts. This order of priority was reflected in the way that he made the Botany Bay decision. Although each factor was interrelated with the others, in ascending order of magnitude, Pitt needed the cheapest method of resolving the convict problem and transportation to New South Wales fulfilled it. A colony, peopled by convicts, guarded by marines, overseen by naval officers, and crucially located on the commercially important Asia-Pacific rim fulfilled the second and third priorities. The revenue from the far eastern trade that this move would ultimately generate would be a major contribution to the solution of his financial problem, his first and most important priority. Neither Pitt nor Phillip were to know that a generation of war would intervene before the Australian experiment would come to full fruition - by which time they would both be dead - but come to fruition it most certainly did.



MAP 1: THE GLOBAL EXTENT OF EUROPEAN EXPANSION ON THE EVE OF BRITISH OCCUPATION OF BOTANY BAY
Source: Gail Martin and The Foundation of Australia (Sydney, 1994).



MAP 2: THE STRATEGIC SITUATION IN S.E. ASIA ON THE EVE OF BRITISH OCCUPATION OF BOTANY BAY
 Source: Ged Martin, ed., *The Founding of Australia* (Sydney, 1978)

REPORT

The C O M M I T T E E appointed to enquire what Proceedings have been had in the Execution of an Act, passed in the Twenty-fourth Year of the Reign of His present Majesty, intituled, "An Act for the effectual Transportation of Felons and other Offenders, and to authorise "the Removal of Prisoners in certain Cases; and for other "Purposes therein mentioned;" and to report their Opinion to the House, what further Measures may be necessary to carry the Purposes of the said Act into Effect: And being impowered to report their Proceedings, from Time to Time, to the House,

B E G to inform the House, That in the Course of the Enquiry which they have instituted, such important Intelligence has been laid before them, of the Consequences to be apprehended from transporting Criminals to that Part of Africa which lies within the Tropics, that they have thought it their Duty immediately to submit it to the Wisdom of the House.

Mr. Recorder of *London* being examined, informed the Committee, That as soon as the Act of last Session passed, the Judges at *The Old Bailey* adopted a new Form of Sentence for Transportation, pursuant to the Direction of the said Act, leaving it to the King in Council to declare the Place to which the Convicts so sentenced should be sent; but in some few Instances they specifically sentenced them to be sent to *Africa* - That Government having given Orders for the Removal of 100 Convicts from *Newgate*, for the Purpose of being sent to *Africa*, he had prepared a List, from the best Information he could obtain, as well from Evidence given on their respective Trials, as from their Demeanor during their Confinement in *Newgate*, of such Convicts as seemed most proper to be sent to that Part of the World ; which List

amounted to between 90 and 100, including Women - That afterwards the necessary Orders of Council and of Court were made, to authorize the Removal of these Offenders ; but it being judged inconvenient, at that Time, to remove the Women, and One or Two of the Men having died, the Number actually removed amounted only to 78 - That at the last *Old Bailey* Sessions 5 Persons were sentenced to be transported to Africa, the rest of the Transports receiving the general Sentence ; and that he has now a List of the remaining Prisoners before him, in order to select as many as will complete the Number of 100 - That all the Convicts so selected, especially the Women, are of the most desperate and dangerous Disposition, deserving, for the Sake of public Example, great Severity of Punishment - That he does not know of any Persons, who, having been capitally convicted, after receiving the King's Pardon on Condition of being transported to *America*, have since been ordered for Transportation to *Africa* ; but that many, who were originally sentenced to *America*, are now destined to *Africa*.

Thomas Buttersworth Bailey, Esquire, an acting Magistrate for the County of *Lancaster*, being examined, acquainted the Committee, That the Magistrates at the Quarter Sessions have experienced great Difficulties in inflicting the Punishment of Transportation for Seven Years, the Sentence being for Transportation generally, to some Parts beyond the Seas, as the Magnitude of the Punishment is rendered very uncertain, from the Difference of the Climate and Country to which they may be sent, and from the Uncertainty of the Offenders being able to return after the Expiration of the Term - That under this Embarrassment they have sentenced Persons to Imprisonment in *England* for different Terms, whom otherwise they would have sentenced to Transportation - That in Consequence of this a very great Accumulation of Prisoners has taken place in the County Gaol, and other Prisons, where there is not Accommodation for them. - He further said, That these Prisoners are maintained out of the Country Rates, at a great Expence, and that being closely ironed they cannot work - That some of them have been confined Three Years or Three Years and a Half, since they were sentenced to Transportation - That there is no stated County Allowance - That they are maintained under discretionary Orders from the Magistrates when they visit the Prisons - And that, if the Law remains as it is, the Evil will be greatly increased. - Being asked, What Steps the Magistrates of the County of *Lancaster* have taken to carry the Act of the last Sessions into Effect? He informed the Committee, That they appointed Two of their own Body to contract for

the Transportation of Offenders ; and that he, as Chairman of the Quarter Sessions in *January* last, sent to His Majesty's Secretary of State for the Home Department an Account of the Number of Prisoners under Sentence of Transportation, and requested to know His Majesty's Pleasure concerning them, that they might be sent to the respective Places of their Destination without Delay - to which no Answer has yet been received - That the Justices did not think themselves authorized to make any Arrangement for the temporary Confinement of these Prisoners, without His Majesty's Order by Sign Manual - and that they have not applied for such Order, being in constant Expectation of an Order for their Removal - That the Two Magistrates appointed under the Act to contract for the Transportation of Offenders, have not been able to execute it, from not knowing to what Place they were to be conveyed - That the Law appears to him defective, inasmuch as it gives no Power to compel Masters of Ships to take them - and that no Captains of Vessels are willing to undertake that Service, there being no Persons in that Country, as in *London*, who have ever made a Trade of conveying Transports beyond Sea.

Richard Akerman, Esquire, produced to the Committee a List of the Prisoners in *Newgate*, another Session having taken place since the last Return - and he acquainted the Committee, That in a few Days the Number of Prisoners in his Custody will amount to 600, owing to the influx from the other Gaols, for the Purpose of Trial at the ensuing Sessions - That the present Number is double of what it usually was Five or Six Years ago - and that from the full State of the Gaol, it has happened that Convicts under Sentence of Death could not be kept in separate Cells, as was usually the Practice - and that the same Inconvenience may probably happen again, as there are only 22 Cells for Convicts under that Description.

Evan Nepean, Esquire, being also examined, informed the Committee, That in Consequence of the Representations made to Government, of the crowded and dangerous State of the Gaols, the *Censor* Hulk was hired of Mr. *Duncan Campbell*, for the Reception of 250 Convicts - That the *Dunkirk* Hulk, a King's Ship, lying in Ordinary at *Plymouth*, was appointed for the Reception of Prisoners from the Western Gaols; and very lately an old India Man has been hired by Mr *Campbell* for the temporary Accommodation of 250 more - That the *Censor* contains 250, some of whom were originally sentenced to *America* ; that there are 100 on board the *Dunkirk*, of which 40 are under their original Sentences, and the Remainder are Convicts returned from Transportation, who are remanded to their original

Sentences, except about 10, who are Capital Respites - That in the *Ceres* there are about 150, and sufficient Room to accommodate 100 more - That these are all the Places which have been appointed for the Reception of Convicts, at least all with which the Secretaries of State have had any Connection.

Mr. *Nepean* being further examined, acquainted the Committee, That These Convicts consisted of Five different Classes; - 1st. Persons sentenced originally to *America*; - 2dly. Prisoners who have been capitally convicted, and respited on Condition of Transportation to *America*; - 3dly. Persons who have been sentenced to Places beyond the Seas generally, the Place of Transportation being left for the King to fix by a subsequent Order of Council; - that the 4th Class consists of those who have been sentenced specially to *Africa*; - and the 5th, of Persons capitally convicted, and who have accepted of Pardon, on the Condition of Transportation to *Africa*. - Mr *Nepean* further acquainted the Committee, That a Plan has been suggested, for the Transportation of Convicts to the Island of *Lemane*, about 400 Miles up the River of *Gambia* - That many other Places have been submitted to the Secretary of State, but in his Opinion this is the Plan which Government will prefer, the *African* Company having refused to take any more into their Forts and Settlements; and that he knows of no other regular Plan offered, with regard to *Africa* - That the Convicts on board the *Ceres* are intended for that Destination ; and that they consist - 1st, of Capital Convicts who have been pardoned on Condition of Transportation to *America* - 2dly, of Convicts sentenced specially to *Africa* by the Courts by which they were tried - and, 3dly, of Capital Convicts who have accepted the King's Pardon on Condition of Transportation to *Africa*. -- Mr *Nepean* further added, That the Reason why the Persons first named are to be sent to *Africa*, is, that they are notorious Felons, who are every Day expected to break Prison, some of them having already made Attempts to do so, and are a Class of People too dangerous to remain in this Country; and it is thought there is no proper Place in *America* to transport them to, at least within the King's Dominions. - Being further examined, whether the Plan respecting the Island of *Lemane* is fully determined on, Mr. *Nepean* acquainted the Committee, That it is under the Contemplation of Government, and preferred to every other Plan, though not finally resolved on. - And he further added, That if the Season was not so far advanced the Plan would have been determined on, and carried into Execution. - Being further examined, as to Particulars, he said, That 200 were to be sent to *Lemane*, not in a King's Vessel, but in a Transport or Two, chartered for that

Purpose, under the Direction of Mr *Calvert* - That the Transports could go up the *Gambia*, within 60 Miles of the Island; where they were to be left, with such a Proportion of Provisions as might be necessary for their Use till they could raise Stock for themselves. - He added, That these Persons were to be supplied with Framing for their Habitations, with proper Tools to construct them, as also for cultivating the Land; with Merchandize to provide Stock, and Grain for sewing; and likewise with a Medicine Chest - And he had heard, that among the Convicts there were some Medical Persons - But he added, That after the Stock had been purchased for them, and they were established on the Island, the Settlers were to be left to themselves - And he also acquainted the Committee, That a Number of Female Convicts was intended to be sent to the same Island. - Mr *Nepean* also informed the Committee, That there was to be a Guard Ship between *Lemane* and *Yannimaroo*, to prevent the Escape of Convicts, and to protect the Trade, but whether a King's Ship or a chartered Vessel, he could not positively say. - Being asked, if this Country has any Territorial Right to *Lemane*? He answered, That we have not at present, but that it is probable we may have such a Right soon; and that it belongs to some native Chief. - Being examined as to the Terms of the proposed Contract, he said That Mr *Calvert* was to transport them to *Yannimaroo* at so much a Head, he believes £10; the other Articles to be paid for besides - That no exact Calculation had been made of the Total Expences of their Transportation and Maintenance could not exceed the Cost of keeping of them in this Country. - And being called upon for a further Explanation, he said, That they would not cost Government more in the First Year than they did on board the Hulks at Home; and that the Second and Third Years the Expence would be much reduced, even though all the Settlers should live, and that he included the Expence of the Guard Ship in his calculation. - Being asked, Whether he considered this as the only Embarkation of Convicts for *Africa*, or that *Lemane* was to be a Place for Annual Transportations? He answered, It was intended for Annual Transportations; and that they were to be visited, from Time to Time, by the Captain of the Guard Ship, who would represent their Wants as the Occasion might require - That in regard to their being supplied with Fire Arms, he could not positively say what might be in Contemplation, but that he thought only a small Number would be furnished to them, as it was not supposed they would be interrupted in their Settlement by the neighbouring Natives, with whom we have constant Intercourse - That they are represented as very inoffensive, and to receive an Annual Tribute for

the Possession of the Island ; but whether the same King possesses the Territory on each Side of the River he cannot tell, though he inclines to think it is so. - He also informed the Committee (when asked who was to distribute them their Provisions and Stores when they arrived on the Island) That a Person or Persons were to be appointed by themselves, out of their own Body, for that Purpose. - And being further examined, Whether it was known what Portion of the Island remains sufficiently open for these new Settlers, without intruding on or dispossessing the native Proprietors? He said, he did not know exactly what Proportion of the Island the Natives already have. - He further added, The Guard Ship was to be stationed about *Yannimaroo*; and that there were no Means devised, if the Convicts were disposed to go from *Lemane* to the Shore, on either Side, or above, to prevent them.

The Committee then proceeded to examine Mr *Nepean* as to what he knows of the actual State of the Prisons; and he said That there were several Persons now confined on Shore, who were to be sent on board the Hulks upon the same Destination. - Being further asked, What Steps have been taken for the Transportation of Convicts to any Part of *America*? he informed the Committee, That Mr. *Moore*, a Merchant in *London*, took on board 150, whose original Sentence had been *America* at large, a Part of whom made their Escape, and the Remainder were admitted in the *American* States - That the same Experiment was tried a Second Time, but that it did not succeed, Captain *Moore's* Vessel being refused Admittance into their Ports; upon which they were carried down to *Honduras*, where they got into Quarrels with the Log Wood Cutters - And the Witness added, That this Measure was not authorized by Government. - Mr. *Nepean* being asked, Whether there is any Plan for sending Convicts to *Cape Breton*, or any of the *British* Settlements in *America*? he said, That there have been strong Representations made against it from Nova Scotia - That he believes there are very few Settlers in *Cape Breton*, and that he has heard of no Plan for sending them to *Canada*.

Mr. *John Barnes* acquainted the Committee, That he is an *African* Merchant - That he originally proposed the Idea of sending Convicts to *Lemane*, in the River *Gambia*, and that in different Conversations with Lord *Sydney* the Plan has been formed - That when he first thought of the Measure, the *African* Committee was much pressed to receive a Number of Convicts, which they refused, as highly dangerous, and in that Refusal Mr. *Barnes* concurred. - He further said, That he has been Twice on the *Gambia*, the last Time in 1757, when he returned from being a

Prisoner at *Goree* - That in the Year 1753 he went very high up the River, within Seven Leagues of *Cuttejar* - That he has Twice passed the Island of *Lemane*, but never landed on it - That it appeared to him a very fine Island, 10 or 12 Miles in Length - That the Land is high, and, as he understands, never flooded - That Part of it is clear and cultivated - That there are Rice Grounds and *Guinea* Corn - He passed on the North Side - the Channel there is about One Mile and a Half over - South Side much narrower, and shallower Water, but not fordable - He understands it belongs in Part to the King of *Lemane* on the North Shore of the River, and Part to a King on the South Side of the River - That the Natives are the best disposed People in the World, strict and fair in their Dealings - That they have great Abundance of Provisions, animal and vegetable - That the Climate is generally esteemed better than lower down the River, or even at *Yannimaroo*, where the Crew of his Vessel proved sickly on their Return, though during the Voyage they had no Sick ; but he added, that he had no Experience of the Climate but during the dry Season - That his People had no Worms in their Legs, and that he never found the Well nor River Water unwholesome. - He further said, That *James Fort* has been generally esteemed unhealthy, but that might be owing to the bad Construction of the Fort, and the Method they have of living there - That all great Rivers within the Tropics are full of Crocodiles and Hippopotami, and the wild Beasts on both Banks, and that they are covered with Mangrove Trees as far as the Salt Water reaches - That there are many Islands in the *Gambia*, but *Lemane* appears the most healthy, and the highest - That there is Wood upon it - That between *Yannimaroo* and the Island the River is all in One Channel, about Two Miles in Breadth, and that an armed Vessel could not prevent Boats passing in the Night. - He further said, That *Lemane* would maintain 3 or 4,000 People, and that 2 or 300 armed Europeans could not liberate themselves from it, on Account of the different Rivers running into the *Gambia*, and because the Blacks would not suffer them to be in their Country; though he added, that if they had Craft and Arms they might seize a vessel, and escape by Water, or they might buy Canoes of the Natives. - He further said, That he supposes *Europeans* could not bear the Cultivation of Lands so well within the Tropics as in temperate Climates; but that they could cultivate Corn and Rice on the Island for their own subsistence, without Prejudice to their Health, if properly instructed - That Grain is about Four Months in coming to Maturity - That if the Island was ceded by Stipulation, the Natives would certainly be ready to assist the Settlers - That Europeans will

gradually become inured to the Climate ; and that Convicts, deprived of all the Means of Debauchery, would stand a good Chance of living. - He further said, That the Mortality mentioned by another Witness, at *Galam*, was owing to the Detachments being sent up too late in the Season, when the Country had been long flooded. - Being further examined, he said, That he never had any Experience of Field Work being performed by an *European* on the Coast of *Africa*, though he had seen Artificers among the *French* Garrison that came down from *Galam*; and that he had known a *French* Gentleman who had lived there 30 Years - That he has also seen *English* Masons and Carpenters (but no Labourers) do Out Door Work at *Senegal*, even after the rainy Season began. - Being asked, Whether the Natives would admit a Colony of Convicts into their Country? he said, He believed so, if they were paid a stipulated Rent - That all our Settlements in *Africa* have been so acquired; but that he never heard of any Attempt to make a Treaty with them for an Establishment of Convicts - That *Great Britain* at present possesses no other Lands in the *Gambia* but the Island of *Saint James*, which is about Half a Quarter of a Mile in Length; and that since the Peace not above Three or Four Vessels have traded there in a Year. - He also said, That if the Natives received an Injury from One of the Convicts, they would revenge it only on the Individual, unless Satisfaction was denied them by the Settlement at large.

Mr. *John Nevan*, a Captain in the *African* Trade, acquainted the Committee, That he was last Year up the River *Gambia* - That his Vessel was stationed opposite *Yannimaroo*, which is considered as the healthiest Spot on the River, for Six Months, between *February* and *August* - That when he anchored there, his Crew (Men and Boys) consisted of Twenty-one, of which he lost Six by Country Fever - That he owed his own Preservation to Bitters and Bark - and that not a Man escaped the Contagion, though the Crew constantly slept on board - and that had they been suffered to sleep on Shore, the Mortality would in his Opinion have been greater - That he saw Five *European* Traders, Three of whom had Houses at *Yannimaroo* - They had a very wretched Appearance, being quite pale and emaciated, and hardly able to crawl ; and that they told him they regularly fell sick in *August*, though they had a constant Supply of Medicines - The Witness further said, That he had gone up in his Long Boat as far as *Fattitenda*, and had landed at several Places on the Island of *Lemane*, having gone up one Channel and come down the other - That the Island seemed to be rather higher than the Banks of the River, which are covered with

Mangrove Trees - and that the Country is marshy, and without Hills - That the northern Channel is about Half a Mile broad, and the Water is at least Eight Feet deep in the Month of May - That the Southern Channel is about a Quarter of a Mile wide, but he cannot ascertain the Depth of Water, as no Vessel ever attempts to go through it, but the Country Boats - That he supposes the Island cannot be a Mile in Breadth, and that no Part of it appeared to be cultivated - That he saw only a few Blacks on the Island, and believes they came over from the main Land - That when he left the Country the Princes on both Banks opposite *Lemane* were at War - and he understands that they belong to different Sovereigns. - Being further asked, How many of his Crew might probably have survived, if the Ship had remained a whole Year at *Yannimaroo*? he answered - Not One, as the Rains were sometimes so incessant for 48 Hours together, that the Crew were not able to stir out of their Cabbins, and that when he came away, only himself and Two Men were capable of doing Duty on board. - He also added, That from the Shallowness of the Water, a Sloop of War of Fourteen Guns could not be stationed at *Yannimaroo*, and that without a Guard Ship it would be impossible to confine the Convicts within the Island. - Being asked, What would be the Consequence of putting 200 Male and Female Convicts on Shore at *Lemane* unarmed, with Six Months Provision, with Articles of Trade, and without any Government, but such as they might establish amongst themselves? he answered, That if they had Goods, and no Arms, the Natives would murder them, and seize their Goods - but that if they were armed, there probably would be a Conflict with the Blacks, who being more numerous must ultimately prevail - and that he had known different Instances of Vessels being attacked by them for the Sake of Plunder. - Being further asked his Opinion of the probable Consequences on the Trade in the River *Gambia*, the projected Colony of Convicts in *Lemane*? he said, That the Consequences would be very prejudicial, as the Traders would not venture up the River - and that he would rather trust the Blacks than them. - He further said, That the Natives would not in his Opinion, trade with them; and that, on account of the Climate, the Convicts could not subsist themselves by Labour - That the Island must be first cleared, and then it is uncertain of what Quality the Soil may be.

Mr. *Thomas Nesbitt* informed the Committee, That he was Supercargo of a Ship in 1780 - That he went into the River *Gambia* for the Purpose of trading in Wax and Ivory - That not meeting with either, he only stayed Four or Five Days; and was

prevented going higher up, by the Information he received, that Captain *Heatly*, who had been up the Gambia, and continued there a Twelvemonth, lost all his Crew - That he has frequently been in Company with *French* Traders, who had been up the River, and who informed him, that they generally lost most of their Crews, although they took the utmost Care of them, and fed them differently from the *English* - That he has always understood that the River runs a great Length through a very flat Country. - Being further examined, Whether he thought it probable that the Natives would permit an Establishment of Convicts among them? he said, It appeared to him very doubtful; but that at all Events no *European* Trader would venture up the River; and that the Natives would revenge the Loss of their Trade, by extirpating the Convicts from the Island. - He further said, That supporting the Convicts to exist after their Provisions were expended, which he does not think probable, they could not, if confined to any One Spot, subsist by their Labour; if they were at Liberty to remove from one Part of the Continent to the other, they would have a better Chance - That a Settlement on the Coast, where there is Access for Assistance from *Europe*, is much safer than an Inland Situation, the Sea Breezes being found to mitigate the bad Effects of the Climate - and that it made a most material Difference as to Health, whether the new Settlers were under Military Discipline, or consisted of disorderly Persons, who were left to regulate and take Care of themselves. - Being asked, Whether an armed Vessel, stationed in the River near *Lemane*, for the Purpose of confining Convicts, would have the desired Effect? he said, Certainly not; and that giving Rewards to the Natives, for apprehending all the Runaways, would be attended with a great and useless Expence, as the Natives could not be depended on; and would sometime steal them from the Island, either to obtain the Reward, or to employ them in their own Armies - and that, the Country being divided among a great Number of Princes, it is impossible to guard against these Inconveniences by Treaty.

Mr *Henry Smeathman*, who resided near Four Years on the Coast of *Africa*, and chiefly at *Sierra Leona*, informed the Committee, That he had made many Observations on the Character of the Natives, and that they are exceedingly vindictive, of which he knew many Instances, but one in particular: - The Commander of a *Danish* Vessel ordered the Head of a Chief of the County to be held down to a Grind Stone, and the Hair and Skin ground off together - Near Three Years after, this Chief and his People cut off a *French* Ship, and murdered most of the

Crew, by Way of retaliating on White Men, which led him to think that the Natives would take their Revenge on the first *Europeans* which fell in their Way, for an Injury which our Convicts might do them. - He further said, That if 200 Convicts were left on an Island in the River *Gambia*, without any Medical Assistance than what they might give to each other, not One in 100 would survive the first Six Months, as Persons long confined in Prisons are peculiarly unfit to struggle with an *African* Climate - That they would be incapable also of Labour, from being long kept in Irons on Board of Ship; and that the Salt Provisions brought from *Europe* would soon become rancid and unfit for Use; in which Case they must depend on the Mercy of the Natives, who might or might not be disposed to assist them.

Mr *John Boon* was also examined; who informed the Committee, That he has been Surgeon to the Army in *Africa*, and has resided Three Years at *Senegal*. - And being examined as to the Nature of the Climate, he said, That from about the Middle of *July* to the beginning of *November*, Putrid Fevers usually prevail; and that Fluxes are very general from December to the End of March; and that the former Disorder is the most fatal to *Europeans*, Two Thirds of the King's Forces having perished every Year - That the Natives are not so liable to the Contagion; and to avoid it, they usually remove into the inward Parts, at some Distance from the Coast - And he added, that in Persons affected by this Disorder, the Blood is so inclined to the Putrefaction, that Gentlemen frequently died in the Space of Three or Four Hours - That the higher up the River, the more fatal the Disease - And Mr *Boon* mentioned, as an Instance, the Detachment sent up every Year to *Galam*, consisting of a Captain, Lieutenant, Ensign, Surgeon, and a Company of Foot, from 50 to 100 Men, during the Three Years he was there, of which not One ever returned. - He further said, That he has always heard of the same Sickness attending the People on the *Gambia*, as at *Senegal*; and that he thinks the Climate must be nearly the same on both Rivers - That a Field Labourer on either could not live a Month, unless he had an able Surgeon with him, well acquainted with the Diseases of the Country; because the Soldiers who suffered in the Manner above-mentioned at *Senegal*, had the Advantages of being under military Discipline, were furnished with Provisions, with Wine and medical Assistance, and were exempt from Labour ; yet, for Eleven Months out of the Twelve, most of them were unable to do Duty. - Being examined as to his Opinion, what would be the Effect of any Convention formed with the Natives to receive a Colony of Felons, and other desperate Persons we might chuse

to send out? he answered, That no Reliance could be placed on the Faith of the Natives - That they would rob any Settlers that might be sent there of their Tools, and of every Thing they could lay their Hands upon, particularly Iron.

Sir *George Young* being also examined, acquainted the Committee, That he had been Four Times at *Gambia* and *Senegal* - That the Rains commence, on the Coast of *Africa*, in *May*, and increase till *July* or *August*, which produce a malignant Fever, which proves very fatal to *Europeans* - That he supposes a Ship of War, which was to continue on any Part of the Coast, within the Tropics, during the rainy Season, would bury 9-10ths of her Crew - And that if she was stationed the whole Year up the River, at *Yannimaroo*, not an Individual of the Crew would survive - That he had always considered *Gambia* as the most unhealthy Part of the Coast ; but that at *Fattitenda*, 900 Miles up the Country, where the Hills commence (the whole Country being flat and unhealthy, as far as that Pass) the Climate is somewhat better, owing to the Commencement of the Freshes ; and that the Sea flows 6 or 700 Miles up the River - That there are many Ponds, left by the Rains, on each Side of the River, until the hilly Country begins, which stagnating from the Heat of the Weather, produce Vermin of all Sorts, and consequently Putrid Fevers.

Sir *George Young* confirmed the Testimony of other Witnesses with regard to the Impossibility of restraining a Colony of Convicts, without Order or Government, within the Limits assigned to them; and also expressed his apprehension that none of the Traders, who now navigate the River in their Long Boats, after such an Establishment took place would venture up it, for fear of being plundered. - He also said that another Mischief would arise from a Colony of Convicts, that the Natives being unable to distinguish them from other *Europeans* engaged in the same Commerce, would consider every White Man as an *English* Thief, and behave to him accordingly - That if the Convicts were armed they would probably kill and rob the Natives, or if unarmed, the Natives would rob and kill them - and that a Colony so constituted would not subsist by Labour, but by Enterprize and Piracy. - Being asked his Opinion of the Natives; he observed, That they were very peaceable, if well treated, but very revengeful, if insulted - He also believes that no Prince of the Country will cede any Part of his Territory for a Colony of Convicts, if he knows them to be such. - Being further examined as to the Practicability of Europeans subsisting themselves by Field Labour within the Tropics; he said, that it had never been attempted, as Death would be the Consequence of their continuing an Hour

exposed to the Sun - And as Proof of the Unhealthiness of the Climate, which in universally the Case below the Freshes; he said, That he landed at *Albreda*, opposite to *Swansea Fort*, where there was only One *French* Woman, all the Men, except her Husband, being dead, and he was gone up the Country to trade ; and while Sir *George Young* was there, she heard that he also was dead, and every White Man that went with him, which was very common Case, for she had had five Husbands in Three Years. - The Witness also acquainted the Committee, that to convey 300 Male and Female Convicts to the River *Gambia*, with proper Attention to their Health, would require not less than Four Vessels, of about 150 or 200 Tons, with 30 Seamen to each Vessel, which must be well secured, and the Convicts ironed every Night; and that a Man of War would be necessary to convoy them to the Place of their Destination.

Mr *Call*, a Member present, informed the Committee, That having been at *Senegal* and *Gambia*, in the Year 1750, he had an Opportunity of seeing many Traders, both *English* and *French*, as also the *French* Garrison at *Goree*, and the Remains of the Garrison at *James Fort*, which was reduced by Sickness from 25 or 30 Men to 5 or 8; and the Officers being all dead, a common Soldier had succeeded to the Command - That the Europeans almost laboured under Fluxes or Fevers - That he did not see above Two Persons, in the Character of Gentlemen or Officers, who appeared to be in Health - That the Captain of the Vessel in which he was embarked permitted no Person to sleep in the Fort, or the Village on the opposite Side of the River, which was reported to be much more unhealthy than either of the *French* Settlements at *Goree* or *Senegal* - That he has heard the Country a great Way up the River *Gambia* is much more healthy than near the Sea Coast ; but from the information of the *French* Governor at *Goree*, it appeared, that Mons. *St. David*, who Two or Three Years before had sent 300 Men up the River *Senegal*, with Tools for working in the Gold Mines, had returned with only Three of their Party living, the Tools being also reduced to the Size of a large Wire, and totally corroded with the Rust, from the Influence of the Climate - That the Banks of the River *Gambia* being higher, and less flooded, the Country from that Circumstance may be less unwholesome. - Being examined, as to the Effect of Military Discipline in Tropical Climates, he said, he was clearly of Opinion that Military Discipline not only contributes to the Health of those who are subject to it, but that any given Number of Men, properly attended to by their Officers, and not employ in Duties of Fatigue, will

be infinitely more healthy than the same Number of People not subject to any Controul on their Conduct. - Being further asked his Opinion, in what State of Health Persons are likely to arrive and continue, who are taken out of a Prison Ship, and conveyed in Irons 400 Miles into the Continent of *Africa*, up the River *Gambia*? Mr. *Call* said, That it was his Opinion they would arrive there in a very debilitated State, as unable as perhaps unwilling to undertake any laborious Work; and that they would soon fall a Sacrifice to the Climate or the Natives, or else make some Attempt to liberate themselves; which, if they were in force, it would not be difficult for them to effect, by the Seizure of a Vessel lying in the River. - Being examined, as to the probable Effect of sending a Set of Desperate and disorderly People into the Country, without any one to controul or command them, and without Arms to defend themselves, Mr. *Call* confirmed the Testimony of other Witnesses, by giving it as his Opinion, that they would make Depredations on the Property and Families of the Natives, which of course would instigate them to Acts of Revenge, and probably would lead to the Extirmination of the Convicts; and that if they were armed, their Attempts upon the Property of the Natives would only be attended with greater Force, and the Result must be one or other of the Events which he before pointed out. - Mr. *Call* being desired to explain his former Answer, that the Convicts might probably seize the Country Boats, or master some *European* Vessel, for the Purpose of making their Escape; and being further asked, Whether such a Vessel as Mr. *Nepean* mentions in his Evidence, or an armed Sloop, might not only prevent such Escape, but also protect the Convicts themselves from the Violence of the Natives, as well as the Natives from their Depredations? he said, That undoubtedly a Vessel of Force, by which he means one properly armed, and manned with One hundred Men or upwards, would keep both *Europeans* and Natives under some Subjection, as far as such a Vessel could extend her Influence; but as the Vessel would be stationed in the River near *Yannimaroo*, it could not have that Effect Fifty or Sixty Miles higher up; and it is very probable the Crew would be so reduced in the sickly Season, that unless Recruits were sent Annually, it would be impossible the Vessel could keep her Station, in which Case an Annual Sacrifice would be made of 50 or 60 good Subjects, to look after 2 or 300 Villains. - And being further asked, Whether the Mortality of *Europeans* might not be obviated, by employing a certain Proportion of Blacks on board the Guard Ship, either as Mariners or Marines, instead of *Europeans*? he answered, That certainly the Lives of many *Europeans* might be

saved by such Means; but that there must be a certain Proportion of *Europeans* at all Events.

Mr *Sturt*, a Member present, informed the Committee, That he went to Africa in 1782, with Three Sloops of War, and the *Mackarel* Transport in Company, with 350 Convicts on board, which were carried to *Cape Coast Castle* - That they were inlisted as Soldiers, and were under military Discipline, with proper Officers to watch over their Conduct - That during the Voyage they behaved very well, for Fear of the Men of War; but the Witness concludes, that had the Fleet been separated, they would have run away with the Ship - That about 20 or 30 of them died on their Voyage ; and that, after their landing, they were so riotous, that their Officers were afraid of their Lives - And as a Proof of the bad Policy of sending our Convicts to *Africa*, he said, that many of them deserted to the *Dutch*, and manned Two or Three Forts, which the *British* Fleet afterwards attacked - That the Witness afterwards heard, that Part of these Convicts had taken a *Portuguese* Vessel - That the Remainder either died, or escaped into the Country, except a few, who remained with Captain *McKensie*, their Commander.

Commodore *Thompson* informed the Committee, That he now commands His Majesty's Ships on the Coast of *Africa*, and was there last Year from *April* to *June* - That he has only been in the Mouth of the *Gambia*, but has heard different Accounts of the Health of the interior Parts of the Country - That some travellers report them, at the Distance of 5 or 600 Miles from the Coast, to be more healthy; but Commodore *Thompson* added, he has always remarked the contrary in the Countries where he has been, in similar Parallels of Latitude - That most People, both *French* and *English*, who have traded upon the River, have described the Country as unhealthy - That the *Europeans* who had resided there some Time appeared to him sickly and debilitated ; and that he should imagine not 2 in 100 would exist there, if compelled to support themselves by Field Labour. - Being asked his Opinion of the Natives, Commodore *Thompson* answered, That they were generally Thieves, and would plunder whenever they had an Opportunity - That on the Shore a Man might pass in Safety; but if he enters the Woods, he runs the utmost Risk of being murdered - And that, from Reports, and the History of the Country, he believes the Inhabitants of the Inland Country to be worse than those on the Sea Coast - That the probable Behaviour of a Colony of Criminals under no Government or Subordination, instead of altering the Dispositions of the Natives, and reconciling them into an English

Settlement in the Heart of their Country, would incense them to the highest Degree, and render them still more barbarous - That working in the Sun produces a Fever, which is certain Death ; and that, consequently, no *European* could subsist by Field Labour in that Part of *Africa* which lies within the Tropics. - Being asked his Opinion of what would be the Condition of a King's Ship stationed the Year round above *Yannimaroo*? he answered, That he imagines very few would survive to return. - Being further asked, If the Natives were to receive an Injury from any of the Convicts, what would be the Consequence to other *Europeans*? he said, They would immediately demand a Punishment adequate to the Injury, and that the Offender might be given up to them; if that Demand was not, or could not be complied with, they would revenge themselves on the first *Europeans* they could find; of which Commodore *Thompson* mentioned an Instance in regard to some Marines of the Ship which he commanded, who strayed into the Woods between *Goree* and *Gambia*, and were robbed by the Negroes: On the Complaint of Commodore Thompson to the Negro Captain of the Village, he took the Offenders, and brought them to him, and, after Compelling the Restitution of the Articles stolen, he took out his knife, and cut Three Marks on the Cheeks of the Offenders, and dismissed them. Some Marines afterwards robbed the Negroes; the Captain of the Village came to him to have the Effects restored; he asked for the People to be punished, which they were, and he was satisfied: But Commodore *Thompson* added, that if Satisfaction had not been mutually given, Hostilities would instantly have ensued. - Being asked, Would they not soon be apprised of the Situation of this Colony of Convicts, and consequently consider them as a distinct Set of People, so as not to retaliate upon innocent Traders for an Injury that the Convicts might do them? he said, That undoubtedly they would consider the Convicts as the Criminals of our Country; but if they could not secure the Convicts who had offended them, that they would indiscriminately fall on any *Europeans* they might meet, to satisfy their Revenge. - Being asked, What Strength *Great Britain* has in the *Gambia* to keep 2 or 300 armed Convicts in Order? he answered, None. - And being further asked, What Mode could be adopted to keep them under subjection in *Lemane*? he said, That he could suggest none, as he thinks it impracticable - That they would escape with the Canoes, or perhaps swim out of the Island; at least, that no Vessel of War stationed at *Yannimaroo* could prevent their Escape, as the upper Part of the River is full of small Islands - That he has always heard *Lemane* mentioned as an Island very productive of Rice, and

consequently swampy and unhealthy. - Being further examined, Whether the Natives would cede a Tract of Land for a valuable Consideration, on which a Colony of Convicts under no Coersion or Government might establish themselves? he said, That according to his Knowledge of the Disposition of the Negroes, for a present Gratification they would sell any Thing, and cut off the Settlers afterwards. - Being asked, Whether he knew the Fate of the 350 Convicts sent to *Cape Coast* as Soldiers? he acquainted the Committee, That all he heard of them was, that about 20 of them went to Sea on a piratical Intent, and were never heard of afterwards; there were Three at *Cape Coast*, One a Serjeant at *Dick's Cove*, Two at *Annamaboe*, One at *Tantumquerry*, and One at *Acra* - That this was a Year and a Quarter after they got there - Commodore *Thompson* further said, That sending Convicts into the Service of the *African* Company has been the Occasion of perpetual Commotion among the Natives, and has endangered in different Instances the Safety of the *British* Forts - and Commodore *Thompson* earnestly stated to the Committee, That from the present Circumstances of our *African* Trade, and the Rivalship of other Nations, it is peculiarly necessary to cultivate the good Opinion of the Natives of the Country; and instead of sending Persons of the worst Character to *Africa*, to be very careful in the Choice of Persons to be employed in that Service, as from the small Number of *Europeans*, to whom a Fort, or other important Trust is committed, the personal Character of every Individual is more essential than in any other Situation which can be thought of, which he explained by the following Fact : When Mr. *Wall* was Governor of *Goree*, he, contrary to the Laws of that Country, seized several Chiefs, and sold them to neutral Vessels ; the Negroes were determined on Retaliation, and Commodore *Thompson* had Reason to believe from Information, that they were bent on seizing him as a Hostage, till their Chiefs should be restored. - He further said, That when he came to *Assince*, on the Ivory Coast, he wanted to see the principal People of the Place, and they gave him to understand they would not come afloat, as Mr. *Griffiths*, a Master of a *Guinea* Ship, had carried off Five of their principal People, by which Means the Commerce was entirely destroyed with those People; and this Matter was fully proved and confirmed to him by Governor *Mergue*, of *Cape Coast*. - Being further asked, What he thinks would be the Consequence of sending out a Colony of Men without Women? he said, That they would marry with the Native Women, whom they may easily purchase for any trifling Presents. - And being further examined as to the Consequence, if a Proportion of Female Convicts

was sent out? he answered, That the Women would all die, the Climate being physically fatal to *European* Women - That there is but One on the Coast now, and she resides at *Cape Coast*. - Being examined as to the Nature of the Commercial Connection we have with the Natives in the Neighbourhood of *Lemane*? he acquainted the Committee, That our Vessels go up the River near 300 Miles, and the Long Boats still higher - That there is a general Commerce up as high as *Fattitenda*, carried on by a few *Europeans* at certain Posts, chiefly on the North Side of the River.

SECOND
REPORT
FROM THE
COMMITTEE
APPOINTED TO ENQUIRE WHAT
PROCEEDINGS
HAVE BEEN HAD IN THE

Execution of an Act passed in the Twenty-fourth
Year of the Reign of His present Majesty, inti-
tuled, "An Act for the effectual Transportation of
"Felons and other Offenders, and to authorise
"the Removal of Prisoners in certain Cases; and
"for other Purposes therein mentioned."

(28th July 1785.)

Printed in the Year M.DCCC.LXXXV

The Lord Beauchamp reported from the Committee appointed to enquire what Proceedings have been had in the Execution of an Act passed in the Twenty-fourth Year of the Reign of His present Majesty, intituled, "An Act for the effectual Transportation of Felons, and other Offenders, and to authorize the Removal of Prisoners, in certain Cases, and for other Purposes therein mentioned," and to report their Opinion to the House what further Measures may be necessary to carry the Purposes of the said Act into Effect, and who were empowered to report their Proceedings, from Time to Time, to the House; That the Committee had made a further Progress in the Matter they were appointed to enquire into and had directed him to make a Report thereof to the House, and he read the Report in his Place; and afterwards delivered it in at the Clerk's Table : Where the same was read; and is as followeth ; viz

Your Committee beg to inform the House, That, in further Execution of their Orders, they directed their Chairman to apply to Lord *Sydney*, His Majesty's Secretary of State for the Home Department, for Copies of all Plans which have been submitted to Government for the Transportation of Criminals, the Production of which might be attended with no Public Inconvenience - That his Lordship, in Answer, informed the Committee, that different Ideas had been suggested on the Subject, but that such Suggestions were either made in Conversation, or appeared, from the Nature of them, unworthy the Attention of the Committee, and that no such Plan as was required existed in his Office - That under these Circumstances, the Committee have no Materials to proceed upon, but such as the Industry of Individuals has collected for their Consideration, and which they submit to the House as highly interesting to the Peace, good Government, and Morals, of the lower Order of the Community. -- That it appears to the Committee, that the extraordinary Fullness of the Gaols makes a Separation of Offenders impracticable, and that by constant Intercourse they corrupt and confirm each other in every Practice of Villainy - That the Hulks, however necessary they may have been as a temporary Expedient, have singularly contributed to these mischievous Effects - That they form distinct Societies for the more compleat Instruction of all new Comers; who, after the Expiration of their Sentences, return into the Mass of the Community, not reformed in their Principles, but confirmed in every vicious Habit - That when they regain their Liberty, no Parish will receive them, and no Person set them to Work - That being shunned by their former Acquaintances, and baffled in every Attempt to gain their

Bread, the Danger of starving almost irresistibly leads them to a Renewal of their former Crimes.

That the Committee are far from arraigning the late Increase in the Number of public Executions, though they lament them the more, because these Sacrifices to Public Justice have produced no other Effect than the Removal of the Offenders in Question; and that Crimes still multiply, in Defiance of the severest Execution of Justice.

The Committee further observe, that these Mischiefs are in great Measure to be attributed to the Want of a proper Place for the Transportation of Criminals - That the old System of Transporting to *America*, answered every good Purpose which could be expected from it - That it tended directly to reclaim the Objects on which it was inflicted, and to render them good Citizens - That the Climate being temperate, and the Means of gaining a Livelihood easy, it was safe to entrust Country Magistrates with the discretionary Power of inflicting it - That the Operation of it was thus universally diffused over the whole Island, as well as this Metropolis - That it tended to break, in their Infancy, those Gangs and Combinations which have proved so injurious to the Community - That it was not attended with much Expence to the Public, the Convicts being carried out in Vessels employed in the *Jamaica* or Tobacco Trade - That for many Years Government paid Five Pounds a Man, and afterwards no Premium at all, the Contractor being indemnified for the Freight and other Charges by the Price at which he sold their Labour - That the Colonies seem to have been sensible of the beneficial Consequences of this Practice - That the Convicts whose Labour was so purchased were usually removed into the Back Country, and finding none of the Temptations, in that new State of Things, which occasioned their Offences at Home, it does not appear that the Police or Peace of the Colonies suffered in any considerable Degree by them.

The Committee further observe, on the Nature of Transportation, that thought the next Punishment, in Point of Severity, to a Capital Sentence, it answers very imperfectly the Purpose of Example - That though a transported Convict may suffer under his Sentence, his Sufferings are unseen; that his Chasm is soon filled up, and being as soon forgotten, it strikes no Terror into the Minds of those for whose Correction it was intended to operate, though the Public may gain very importantly by his Removal - That under this Impression of the Subject, the Committee have heard, with Regret, that the Ports of the United States have been shut against the

Importation of Convicts, by very severe Penalties on the Owner of any Vessel which should land them within their Jurisdiction.

That it does not appear to the Committee, whether such Prohibitions are intended to operate perpetually, or whether they may be removed in Consequence of some future Arrangement, as the occupying new Provinces on that Continent may render the Arrival of new Settlers, of any Description, not undesirable, if they are acquainted with Husbandry or Manufactures.

That the Committee have declined listening to any such Suggestions, from the Consideration that whatever depends on Negotiation with Foreign Powers, belongs more properly to the Executive Power, than to a Committee of the House of Commons; and, from the same Motives, the Committee have also avoided all Enquiry (though frequently pressed upon them) whether any *European* Powers, which, from the Extent of their Military Establishments, or from the Nature of the Public Works which they are under the Necessity of carrying on, are obliged to employ Foreigners of every Description, might be disposed to receive the Convicts of another Nation - That such Arrangements are not unprecedented between independent Powers, the *Venetian* Galleys being supplied with Convicts from the *Imperial* and *Neapolitan* Dominions - The Committee being unable to judge of the Practicability, much less of the Propriety, of executing such Projects, which depend on the Knowledge of Circumstances which are in no Shape before them, decline entering further into the Subject, than to observe, that His Majesty is fully authorized, by the Powers derived under the Act of the last Session, to adopt either or both of these Plans, if He should be so advised.

Your Committee further observe, That if a Settlement be made for the Purpose of removing our Convicts, the Success of the Experiment will depend on a Variety of Circumstances - That the Climate and Situation ought to be healthy; as, although many of them have forfeited their Lives by their original Sentences, it is implied, by His Majesty's conditional Pardon, that their Transportation shall not expose them to any imminent Danger of their Lives - That unless they are removed to a considerable Distance, from whence the Means of returning may be rendered difficult, the End of their Transportation will be defeated - That, subject to this Caution, a Coast Situation is preferable to an Inland one, for the Convenience of supplying the Settlers until they are able to provide for their own Subsistence, as

likewise to furnish them an Asylum, if any Natives should be disposed to annoy them.

But your Committee beg to submit, it was their decided Opinion, that the Idea of composing an entire Colony of Male and Female Convicts, without any other Government or Controul but what they may from Necessity be led to establish for themselves, can answer no good or rational Purpose - That such an Experiment has never been made in the History of Mankind - That the Outcasts of an old Society will not serve as the sole Foundation of a new one, which cannot exist without Justice, without Order, and without Subordination, to which the Objects in Question must of Necessity be Strangers - That Confusion and Bloodshed would probably soon take place among them ; and that no Spot, however distant, can be pointed out by the Committee, in which the Mischiefs of realizing so dangerous a Project might not be felt on the Trade and Navigation of these Kingdoms.

The Committee, however, are of Opinion, That should His Majesty think fit to establish a new Settlement for enlarging the Commerce of His Subjects, the Labour of these Convicts may be employed to the most useful Purpose - That there are commonly both Husbandment and Artificers among them, as well as Men of Talents and Education - That the enterprising Disposition which many of them have shewn, would, under a strict Controul, peculiarly fit them for the Defence of a new Settlement - That an Aversion to Labour, and the Inequality of Fortunes, which stimulate Men at Home to the Commission of Crimes, could, in such a State of Things, have no Operation - That the ordinary Seductions would be beyond their Reach, and consequently they would remain honest, for Want of a Temptation to be otherwise - That having no Hope of returning, they would consider their own Happiness as involved in the Prosperity of the Settlement, and act accordingly - That under judicious Management, and the Hope of being restored to Freedom, the most refractory might gradually be reformed ; and that, in the mean Time, the better Part of them might be rendered answerable for the Conduct of the Remainder, till the Desire of acquiring the Confidence of their Employers led them insensibly to deserve it - That no Returns of Persons under Sentence of Transportation, except from the Home Counties, being before the Committee, it is not in their Power to state the Amount of them ; but, from every Circumstance, they are led to suppose it cannot be less than Fifteen hundred - That every Session adds much to that Number - That it is therefore necessary to revive the Punishment of Transportation, on a considerable

Scale, if that Mode of Punishment is solely and exclusively resorted to, to prevent the further Increase in our Prisons - That, consequently, the Expence must be great, though perhaps less in its Consequences than the Establishment of the Hulks, which, exclusive of the Mischiefs before stated, are, in all Respects, a dead Charge to the Public, except for the small Return made by their Work at *Woolwich Warren* ; and the Committee hope it will not be impossible to fix on such Spots for the Transportation of Criminals as may, by the Commercial and Political Advantages to be derived from them, indemnify the Public for the original Charge - And they further hope they shall be pardoned, if they seem now and then to travel beyond the immediate Bounds of their Reference, as the Two Considerations of future public Benefit, and the Relief to be given to our Prisons, are so closely connected, that they cannot deliver an Opinion on one Part of the Subject, without stating the Grounds of it, as derived from the Information which they have received on the other.

The Committee further observe, That in order to methodize their Enquiry, they have considered the Places to which Criminals might be Transported according to the following Order: - First, those Parts of *Africa* which already belong to the Crown of *Great Britain*, or which may probably be acquired for the Purpose in Question. - Secondly, the Provinces as well as Islands which are subject to His Majesty in *America*. - And, lastly, such other Parts of the Globe as have been already, or which may be, taken Possession of for the Object under Consideration (if Policy warrants the Measure) without violating the Territorial Rights of any *European* Potentate or State - That they are induced, in the First Instance, to turn their Thoughts to *Africa*, because they observe that Criminals are condemned to be Transported there at every Sessions; and that it lessens the Respect due to the Administration of Criminal Justice, that Judicial Sentences should be inflicted which it has hitherto been impossible to carry into Effect - That therefore it is incumbent on the Public to provide such Place of Transportation without Delay, or to resort to some more practicable System of Punishment.

The Committee observe, That His Majesty's Dominions in *Africa* consist of Settlements on the River *Gambia*, as well as on the Coast of *Guinea* - That with regard to the former District, they refer to their former Report; and in relation to the latter, they agree in the Objections stated at different Times by the *African* Committee to the Transportation of Criminals to that Part of the Coast - That, therefore, their Enquiry will be confined to such Portions of the Continent as are

comprehended in the Limits of no *European* State - That it appears to this Committee, that a vast Tract of Country, answering this Description, lies on the West Coast of *Africa*, between Twenty and Thirty Degrees of South Latitude - That it is separated from the *Portuguese* Settlements at *Angola*, and from the *Dutch* Dependencies on the *Cape of Good Hope*, by a Chain of Mountains to the North and South - That it appears by all the Charts, and the different Accounts of that Country, to which the Committee have had Access, that the *Dutch* Boundaries extend no further than *Bay Natal*, on the North East from the *Cape of Good Hope*, and to *Saint Helen's Bay*, on the North West, and that the *Portuguese* neither occupy or claim beyond *Saint Philip de Benguela*, about 12.8.S. - That this Coast has been seldom visited by any *Europeans*, and that it does not appear that any Settlers whatever are to be found upon any Part of it, tho' the Soil is fertile, productive of the best Herbage, and abounds with great Herds of wild Cattle, as Sheep, Horses and Cows, and also all the Animals and Birds peculiar to the Tropical Climates - That there is great Variety of Medicinal Plants, with Vines of different Sorts, which grow luxuriantly, and that various Species of Timber for different Uses are to be found on it - That in the more Mountainous Parts, particularly near the great River *Des Voltas*, there is a Vein of Copper Ore which contains One Third of pure Metal - That by a *Dutch* Account, it appears, that Captain *Hope* travelled from the *Cape*, in a Course almost directly North, as high as 26.18.S with a View of Examining the interior Parts of the Country - That he begun his Progress on the 16th *July* 1761, and returned the 27th *April* 1762 - That the Party consisted of 17 *Europeans* and 68 *Hottentots*, with 12 Waggon, drawn by 10 Oxen each, and (what is very remarkable is) that after Travelling through an unknown Country for 9 Months and upwards, they all returned perfectly in Health, and do not report to have met with the least Injury or Attack from the Natives during the whole Time, tho' they passed through the Countries of different Tribes - The only Distress which the Party experienced, having arisen from the Want of Water for themselves and their Cattle, owing to the excessive Drought of the Season - That this Account of the Character of the Inhabitants is confirmed by the *Abbè de la Caille*, who mentions a *Dutchman* of Eminence at the *Cape*, who, from Motives of Curiosity, had travelled in a Canoe, attended by 4 Soldiers and 2 Servants, above 500 Leagues into the interior Parts of the Continent - That he had met with the utmost Hospitality from the Natives, who supplied him with every Thing he wanted, in Exchange for small Presents - That they appeared to be of the

Hottentot Race, and where possessed of great Herds of Cattle - That the Climate was in general healthy, and that many Parts were capable of very easy Cultivation - That the Country is well watered, having many Rivers of great Length and Breadth, and some Navigable, particularly that called *Des Voltas*, which communicates with a great Lake that supplies *Rio Esperito Santo*, which empties itself into the *Indian* Ocean, between *Mosambique* and *Monomatassa* - That at the Mouth of the River, in about 29 Latitude and 19 Longitude East of *Greenwich*, lies *Angra Das Voltas*, which forms a fine Bay and Harbour for the Shelter of Shipping, and is a Spot peculiarly well circumstanced for the Settlement in Question - That as a Proof of the safe Navigation on that Coast, the Committee report, from the Information of Mr. *Petre*, who returned from *India* in a *Portuguese Vessel* in 1783, that they Coasted it all the Way from the *Cape of Good Hope* to *Loundo*, in *April* and *May*, which correspond to the Months of *October* and *November* in *Europe* - That not a Cloud appeared in the Sky till they came into the Latitude of 20 South - That although the Weather was rather cold, and accompanied with heavy Dews, the Crew slept without Injury on the open Deck, and that the Run for 8 Days was about 100 Miles in 24 Hours - That the North West Winds set in from the *Cape of Good Hope* from *May* to *October*, and the South East prevail from *October* to *May*, and that the Wind is favourable from the Coast in Question for *Rio de Plata* and *Brazils*, as well as to *The West Indies*, and the Return to *Guinea*.

The Committee further report, that from a Journal now extant, it appears that Two *English* Vessels anchored on this Coast, in Latitude 14, and found Plenty of Wood, Water, Antelopes, and Wild Fowls - That they also saw wild Elephants, and observed that the Natives were armed with Bows and Arrows - From this, and other Circumstances, they concluded that *Europeans* had seldom, if ever, had Intercourse with them.

The Committee further observe, That in the Year 1779 the *East India* Company being apprehensive of great Inconveniences, for the Want of a Place of Refreshment and Rendezvous, as well for their Homeward as Outward-bound Trade, made some Attempt to reconnoitre this Coast - That it proved abortive, from the improper Choice of Vessels, or the Incapacity of the Persons who were employed in the Service; and that there is now no chart existing of the Coast in the Possession of the Court of Directors.

The Committee further represent to the House, That the superior Advantage which the *Portuguese, Dutch and French* have reaped over us in their *Indian* Navigation and Commerce, has arisen from their having more convenient Ports of Refreshment in their Passages; for while we are confined to *Rio de Janeiro* and *Saint Helena*, where little Provision is to be obtained, they enjoy with every Advantage the *Cape of Good Hope*, and the fertile Kingdom of *Angola*, by which Means the *French* Indiamen have often escaped the *British* Cruizers in War - That the Bay and River of *Das Voltas* would be an excellent Place for the Homeward-bound Indiamen ; and that the Passage may be made Coastways from *Guinea* and *Saint Thomas's* Outwards - That the Coast in Question is not above Ten Days Sail distant from Brazil ; and if the Accounts are to be depended on the Whale Fishery at *Saint Catherine's*, where the *Portuguese* are reported to have taken 800 Whales in a Year, a Colony at *Das Voltas* will be particularly well situated for carrying on that Fishery as far as *Falkland Island*, which is much resorted to for that Purpose by the Fishermen of the United States - That it might also promote the Purposes of future Commerce or of future Hostility in the South Seas — The Committee having stated the Advantages to be expected from the Settlement in Question, to reimburse the Public for the Expence in making it, proceeded to enquire in what Manner the Service, if adopted by His Majesty, might best be carried into Effect, and they in Consequence represent, That it appears to them highly probable that the Natives would, without Resistance, acquiesce in Ceding as much Land as may be necessary, for a stipulated Rent - That all the *Portuguese* and *Dutch* Possessions on that Coast have been so acquired : That *Angola* was purchased in 1648, for supplying *Brazil* with Slaves ; and that when the *Dutch* succeeded the *Portuguese* at the *Cape*, in 1650, they agreed to pay the Natives the Amount of 30,000 Florins in Merchandize ; and as they have enlarged their Boundaries, they have added to this stipulated Payment.

The Committee further observe, That the Time for sailing to the South West Coast of *Africa*, is from the Beginning of *August*, to the 15th of *September*; that the Voyage will probably last Three Months - That Four Trading Vessels, of about 200 Tons each, will carry 500 Convicts, especially if convoyed by Ships of War - That the fittest Vessels for this Purpose are those employed in the Slave Trade, which may be hired at the shortest Notice, and prepared to sail in *August*, instead of the usual Months of *October* and *November* - That after landing the Convicts at the Place of their Destination, they may return up the Coast in Pursuit of their usual Traffic - That

it is supposed the Transport Service, including every Expence, will not exceed £.15 *per Man* - That the Clothes which the Convicts will require on being landed, and Six Months Provisions, etc. with which it will be necessary to supply them, exclusive of what their own Industry will add to their Stock, will amount to £.5 more - That Live Stock, Seeds, Tools, and the Articles of Trade necessary for an Intercourse with the Natives, will add £.3 more to the above Estimates, and consequently swell the Total Charge to £.23 a Man ; but as many incidental Expences may occur in a new Undertaking, which it is impossible to calculate before Hand, it may not be improper to consider £.25 as the Sum necessary to establish each Convict on the Coast upon such a Footing, that he may be enabled to provide for his future Maintenance ; and, if the above Calculation be just, the Expence incurred for a settlement of 500 Convicts will be £.12,500.

The Committee do not comprehend in their Estimate the extraordinary Number of Marines, etc. which such a Service will require, as they must be equally subsisted, whether they are employed at Home or on distant Service: And it is also conceived by the Committee, that His Majesty's Squadron, or a great Part of it, may retire to *Das Voltas* in the unhealthy Season, from the Settlements within the Tropics, instead of sailing to the West Indies, or returning to *Great Britain*, according to the present Practice.

The Committee further observes, That the Success of the Scheme which they have pointed out must materially depend on the Wisdom and Prudence of the Officer to whose Management it is entrusted - That it is necessary to delegate to him the most absolute Controul over the Settlers above described, as well for their own Sakes, as for the Safety of those who are to watch over and superintend an Infant Colony - That for this Reason, the Commanding Officer on the *African* Station appears to them the fittest Person for the Service - And they further think, that he ought to have the fullest Powers to act as his Discretion may point out to him, and to enforce Obedience and Submission to his Commands - That for this Purpose, it appears necessary that at least 100 additional Marines, with proper Officers, and some good Boatswains and Boatswains Mates, should be appointed to the Squadron, and that an additional armed Vessel will be required, for the double Purpose of making Surveys, and for conveying Intelligence, as the Case may require.

The Committee also observe, That if the Convicts are landed before the Month of *November*, which corresponds to the Month of *May* in *Great Britain*, they

will have the whole Summer to raise Habitations, and make other Preparations for their future Subsistence, and Security - That among the Convicts now sentenced specially to *Africa*, or whose Place of Transportation depends on His Majesty, it will be proper to select for this Service Artificers, Mechanics, and Husbandmen, though, if the latter should be wanting, it will not be material, as in such Climates as are usually found between 20 and 30 Degrees of South Latitude, the Cultivation of Land requires very little Skill or Labour.

The Committee further observe, That many Difficulties will be obviated, if the Information which they have received proves true to a considerable Extent - That many *American* Families are desirous of settling in any healthy Part of the Globe where they can rely on the Protection of *British* Government; and that they will readily resort to the Coast in Question, under proper Encouragement to do so - That Settlers of this Description will be very Instrumental in keeping the Convicts in due Subordination ; and that their Labour may be assigned over to them, under proper Restrictions - That if the Colony should flourish and become numerous, it may prove the Means of Annually relieving the Gaols of this Kingdom ; and that it is desirable to divert the Spirit of Emigration, which leads so many *British* Subjects Annually to the United States, to Countries which are still subject to the Crown of *Great Britain* - That all the Discoveries as well as great Commercial Establishments now existing in distant Parts of the Globe, have been owing to the Enterprize and persevering Exertions of Individuals, who, at great personal Risks, frequent Losses, and in some Cases total Ruin, have opened the Way to the greatest National Advantages - That the First Settlements in *North America* were undertaken under every Circumstances of an inhospitable Climate and an ungrateful Soil, as well as the fiercest Attacks from the Natives ; yet, in the Space of 200 years, a new World has sprung up, under many untoward Circumstances to which the Undertaking in Question does not appear to be exposed.

On considering the Whole of the Subject, the Committee are of Opinion, That if the Legislature persists in the System of Transporting Criminals to *Africa*, the Scheme now suggested is the only One which appears to them of a practicable Nature, yet, as it will not answer the Purpose of annual Transportation, unless it becomes a numerous and flourishing Colony, which will require for many Years the fostering Hand of the Mother Country, the Committee recommend the Adoption of it, so far only as the Commercial and Political Benefits of a Settlement on the South

West Coast of *Africa* may be deemed of sufficient Consequence to warrant the Expence inseparable from such an Undertaking, at the same Time that it restores Energy to the Execution of the Law, and contributes to the interior Police of this Kingdom.

Ordered, That the said Report do lie upon the Table.

BIBLIOGRAPHY

1. Manuscript Sources

- a) PRO The National Archives at the Public Record Office
- ADM1 - Admiralty. Secretariat, Papers
 - ADM2 - Admiralty. Out-letters 1784-90
 - ADM51- Admiralty. Log books, captain's logs 1786-88
 - BT1 - Board of Trade: In-letters and files. General
 - BT3 - Board of Trade: Out-letters. General, 1786 - 1863
 - BT5 - Board of Trade: Minutes, 1784 - 1952
 - BT6 - Board of Trade: Miscellanea, 1697 - 1921
 - CO201 - Colonial Office & Predecessors. New South Wales, Original correspondence, 1784-1821
 - CO202 - Colonial Office & Predecessors: New South Wales, Entry books of correspondence, 1798-1801
 - CO218 - Colonial Office & Predecessors: Nova Scotia and Cape Breton, Entry Books
 - CO267 - Colonial Office & Predecessors: Sierra Leone, Original Correspondence, 1664 - 1951.
 - FO27 - Foreign Office. General correspondence, France
 - FO37 - Foreign Office. General correspondence, Holland
 - FO63 - Foreign Office. General correspondence, Portugal
 - FO72 - Foreign Office. General correspondence, Spain
 - HO7 - Home Office. Minutes of committee of House of Commons respecting a plan for transporting felons to the island of Lee Maine in the river Gambia
 - HO13 - Home Office. Correspondence and warrants, 1782-89
 - HO28 - Home Office. Correspondence and papers: Admiralty Correspondence. 1784-1840
 - HO35 - Home Office. In-letters received from the Treasury, 1781-1800
 - HO36 - Home Office. Replies to HO35
 - HO42 - Home Office. Correspondence and papers: domestic and general, 1782-1820
 - HO110- Home Office. Prisons Books
 - SP44 - Secretaries of State: State Papers: Entry Books 1660 - 1828.
 - T1 - Treasury: In-letters, files, papers. Boxes 599-610 relate to 1784-90
 - T29 - Treasury: Minute Books 51-60, Jan. 1782 - Aug. 1789
 - T54 - Treasury: Entry Books of Warrants concerning appointments, Crown leases and other matters not relating to the payment of money.
 - T70 - Treasury: Company of Royal Adventurers of England trading with Africa and successors: records, 1660-1833
- b) BL British Library
- (i) Add. Mss. 19299 – Journal of a voyage to the Sooloo Islands and the north-west coast of Borneo by Major James Rennell, plus a letter from Alexander Dalrymple to Viscount Beauchamp attached as a frontspiece.

28060-7 – Original correspondence and papers of Francis Godolphin, Marquess of Carmarthen, 5th Duke of Leeds, 1783-98, 8 vols.

34416 from 34412-34471 – The Auckland Papers: correspondence and papers, political and private of William Eden, 1st Baron Auckland

38344 from 38329-38356 – The Liverpool Papers: Vols. CXL, CLXVII. Official papers of Charles Jenkinson, 1st Baron Hawkesbury, 1st Earl of Liverpool

40733 – letter book of private correspondence of George Nugent-Temple-Grenville, Earl Temple 1779, 1st Marquis of Buckingham 1784, during his two periods as Lord Lieutenant of Ireland (1782-3, 1787-9)

46120 – Autograph Journal of Capt. Edward Thompson, R.N. (d.1786), relating to political and literary matters as well as his service at sea; 1 Apr. 1783-25 Mar. 1785

47568-9 – Fox papers: Vols. X, XI, General correspondence of C.J. Fox; vol. X 1764-1792; vol. XI 1793-1806

(ii) OIOC		Oriental and India Office Collections
B	-	Minutes of the Court of Directors
D	-	Minutes and Memoranda of General Committees
E	-	General Correspondence
F	-	Board of Control Records
G	-	East India Company Factory Records
H	-	Home Miscellaneous series
L/P&S	-	Political and Secret Department Records

c) NMM The National Maritime Museum

d) Mitchell Library (Sydney)

A3225-3232 The Duncan Campbell letterbooks

e) NLS The National Library of Scotland

GD51 - Melville manuscripts

2. Private Papers

a) Private journals and letters

The private papers of William Pitt the Younger are maintained by the National Archives at the Public Record Office, London. They are classified as the Chatham papers under the search details 30/8/

b) Collected Documents

Auckland	Bentley Richard, ed., <i>The Journals and Correspondence of William, Lord Auckland</i> , 4 vols. (London, 1861)
Buckingham	Duke of Buckingham & Chandos, <i>Memoirs of the Court and Cabinets of George III</i> , 4 vols. (London, 1853-5)
Cornwallis	Ross Charles, ed., <i>Correspondence of Charles, First Marquis Cornwallis</i> , 3 vols. (London, 1859)
DNB	<i>Dictionary of National Biography</i> ,
Elliot	Countess of Minto, ed., <i>Life and Letters of Sir Gilbert Elliot, 1st Earl of Minto, 1751-1806</i> , (London, 1874)
Fortescue	J. Fortescue, ed., <i>Correspondence of George III</i> , 6 vols. (London, 1967)
HRA	<i>Historical Records of Australia</i> , 1 st series, 26 vols. (Library Committee of the Commonwealth Parliament, Sydney, 1892-1901)
HRNSW	A. Britton and F.M. Bladen, eds., <i>Historical Records of New South Wales</i> , 7 vols. (Sydney, 1892-1901)
LCG	A. Aspinall, <i>The Later Correspondence of George III</i> , 5 vols. (Cambridge, 1962)
Leeds	Browning Oscar, ed., <i>The Political Memoranda of Francis, Fifth Duke of Leeds</i> (London, 1884)
Malmesbury	Third Earl of Malmesbury, <i>Diaries and Correspondence of James Harris, First Earl of Malmesbury</i> (London, Richard Bentley, 1844)
PD	J. Stockdale, <i>Parliamentary Debates</i> , 1 st series 17 volumes, 2 nd series 19 volumes (London, 1785)
PH	<i>Cobbett's Parliamentary History of England</i> , 36 vols, (London, R. Bagshaw, 1806-20)
Pitt	W.S. Hathaway, ed., <i>The Speeches of the Right Honourable William Pitt in the House of Commons</i> , 3 vols. (London, 1808)
PR	<i>Debrett's Parliamentary Register</i> , 1 st series, 17 vols., 2 nd series, 45 vols. (London, J. Almon, 1774-96)
Rose	Rev. Leveson Vernon Harcourt, ed., <i>Diaries and Correspondence of the Right Honourable George Rose</i> , 2 vols. (London, Richard Bentley, 1860)
Stanhope	Earl Stanhope, <i>Life of the Right Honourable William Pitt</i> , 3 vols. (London, John Murray, 1861)

Wraxhall Sir Nathaniel Wraxhall, *Historical Memoirs of My Own Time*, 4 vols. (London, 1904)

3. Contemporary Books and Pamphlets

ANDERSON A., *An Historical and Chronological Deduction of the Origin of Commerce*, 4 vols. (See p.632 vol. IV) (London: Logographic Press, 1787)

Anon., *An Historical Narrative of the Discovery of New Holland* (London: John Fielding, 1786)

Anon, *Copious Remarks on the Discovery of New South Wales* (observations on transportation by William Eden), (London: Printed for booksellers in town and country, 1787)

Anon, *Description of Botany Bay* (Lancaster: H. Walmsley 1787)

Anon, *History of Botany Bay* (Bristol: L. Naylor, 1787)

Anon, *History of New Holland, The _____ from its first discovery in 1616 to the present time*, (London: John Stockdale, 1787), (wrongly attributed to William Eden because of the inclusion in the fourth chapter of Eden's *Principles of Penal Law*)

BANKES Rev. Thomas, *A New Royal and Complete System of Universal Geography* (London: J. Cooke, 1787)

BECCARIA Cesare, *Dei Delitti e Delle Pene* (Italy, 1764) translated by J.A. Farrer as *Crimes and Punishments* (London, 1880)

BENTHAM Jeremy, *Works* (ed. J. Bowring, Edinburgh, 1838-42)

BLACKSTONE, William, *Commentaries on the Laws of England*, 4 vols. (London, 1765-9)

CALLENDAR John, *Terra Australis Cognita*, 3 vols. (Edinburgh, 1768)

COLLINS David, *An account of the English colony in New South Wales* (London, T. Cadell Jun., 1798)

COLQUHOUN Patrick, *A Treatise on the Police of the Metropolis*, 3rd ed. (London, 1800)

DALRYMPLE Alexander, *A Serious Admonition to the Public on the Intended Thief Colony at Botany Bay*, a pamphlet (London, George Bigg, 1786)

DALRYMPLE Alexander, *Memoirs concerning passages to and from China* (London, 1782)

DALRYMPLE Sir John, *Memoirs of Great Britain and Ireland*, 2 vols. (Edinburgh, 1771 and 1788)

EDEN William, *Principles of Penal Law*, 2nd ed., (London, 1771)

EDEN, William, *Discourse on Banishment* (London, 1787)

FIELDING Sir J., *A plan for preventing robberies within twenty miles of London* (London, 1755)

FIELDING Henry, *An enquiry into the causes of late increases of robbers* (London, 1751)

GORDON Lord George, *The Prisoners Petition to the Right Honourable Lord George Gordon to preserve their lives and liberties, and prevent their banishment to Botany Bay*, London: Wilkins, 1786 (see also T.B. Howell, *A Complete Collection of State Trials and Proceedings for High Treason*, and continued by Thomas Jones Howell, Vol. XXII, being Vol. I of the continuation 1783-94)

GUTHRIE William, *A New System of Modern Geography* (London: C. Dilly and G. Robinson 1785)

HOWARD John, *The State of the Prisons*, 1st ed., (London, J.M. Dent and Sons Ltd., 1777), 2nd ed. (1780), 3rd ed. (1784), 4th ed. (1792)

Humourists Magazine, 1787, Vol. I, pp. 5-7, and Vol. 48, 107-8

HUTTON Charles and SNIP Simon, *The Philosophical Puppet Show*, (London: William Green, 1663) (sic)

KEARSLEY George, *Kearsley's Table of Trades* (London, Johnson's Head, 1787)

MARTIN William Frederic, *A new dictionary of natural history* (London: Harrison and Co., 1785)

MATTHEWS John, Lt. R.N., *A voyage to the River Sierra Leone on the Coast of Africa* (London, B. White & Son at Horace's Head, Fleet St., 1791)

McALPINE John, *Genuine narratives and concise memoirs* (London, 1788)

MILET-MUREAU, L. A., *A Voyage Round the World Performed in the Years 1785, 1786, 1787, and 1788, by the Boussole and Astrolabe under the command of J.F.G. de la PÉROUSE*, 2nd ed., 3 vols. (London, 1799)

PHILLIP Arthur, *The voyage of Governor Phillip to Botany Bay* (London, John Stockdale, 1790)

R____ G____, *Proposals for employing convicts in this kingdom* (London, 1787)

ROMILLY Sir Samuel, *Observations on a late publication intituled Thoughts on Executive Justice* (London, 1785)

ROYAL SOCIETY, *An History of the Instances of Exclusion*, London: Debrett, 1784

SMITH Adam, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 3 vols. (London, 1776)

STOCKDALE J. (ed.), *Parliamentary Debates*, 1st series 17 vols., 2nd series 19 vols. (London, 1785)

TENCH Watkin, *A narrative of the expedition to Botany Bay* (London, Debrett, 1789)

TENCH Watkin, *A complete account of the settlement at Port Jackson* (London, sold by G. Nicol, 1793)

YOUNG Sir George, *A rough outline of the many advantages...* (London: 1785)

Universal Magazine of Knowledge and Pleasure, Vol. LXXX (London: W. Bent, 1787)

WHITE John, *Journal of a Voyage to New South Wales* (London, Debrett, 1790)

WRAXHALL Sir Nathaniel, *A short review of the political state of Great Britain* (London: Debrett, 1787)

4. Contemporary Sources – Edited Documents

BEAGLEHOLE J.C., *The Journals of Captain James Cook on his Voyages of Discovery*, 4 vols (Cambridge, Cambridge University Press, 1955-68)

BEAGLEHOLE J.C., *The 'Endeavour' Journal of Joseph Banks, 1768-1771*, 2 vols (Sydney, Angus and Robertson Ltd., 1962)

CLARK C.M.H., ed., *Select Documents in Australian History, 1788-1850* (London, Angus and Robertson, 1950)

CLARK M., *Sources of Australian History* (London, Oxford University Press, 1957)

CROOKS J.J., *Records Relating to the Gold Coast Settlements from 1750 to 1874* (Dublin, Browne & Nolan, 1923)

DAWSON Warren R., ed., *The Banks Letters* (London, British Museum (Natural History), 1958)

DOUGLAS David C., ed., *English Historical Documents 1714-1783*, 12 vols (London, Eyre and Spottiswoode, 1957)

DUNMORE John, *Who's Who in Pacific Navigation* (Honolulu, University of Hawaii Press, 1991)

FOSS Edward, *The Judges of England*, 3 vols (London, John Murray, 1864)

GALLAGHER Robert E., ed., *Byron's Journal of his Circumnavigation 1764-66* (Cambridge, Hakluyt Society, 1964)

HARLOW Vincent and MADDEN Frederick, *British Colonial Developments 1774-1834, select documents* (Oxford, Clarendon, 1953)

HOLDSWORTH Sir William, *A History of English Law*, 12 vols, Vol. XI – The Eighteenth Century (London, Methuen and Co. Ltd., 1937)

KAUFMAN Paul, *Letters to Lord Pelham, etc. etc. etc.* (Canberra, Paul Kaufman, 1986)

LAMB W. Kaye, *A Voyage of Discovery to the North Pacific Ocean and Round the World 1791-1795*, 4 vols. (London, Hakluyt Society, 1984)

LAMBERT Sheila, ed., *House of Commons Sessional Papers of the Eighteenth Century* (Delaware, Swift, 1971)

LANE John, *Masonic Records 1717-1894* (London, Letchworth, 1895)

LAUGHTON J.K., ed., *Letters and Papers of Charles, Lord Barham* (London, 1907-11)

MACKANESS George, *Alexander Dalrymple's "A Serious Admonition to the Public on the Intended Thief Colony at Botany Bay"*, (Sydney, D.S. Ford, 1943)

NAMIER Sir Lewis and BROOKE John, *The History of Parliament 1754-1790*, 3 vols. (London, HMSO, 1964)

NEWBURY C.W., *British Policy Towards West Africa, select documents 1786-1874*, (Oxford, Clarendon Press, 1965)

WALLIS Helen, ed., *Carteret's Voyage Round the World 1766-1769*, 2 vols. (London, Hakluyt Society, 1965)

5. Parliamentary and other Official Papers

- | | |
|------------|--|
| JHC | <i>Journals of the House of Commons</i> |
| - | <i>Select Committee on Hulks, vol. xxxvi, 1778</i> |
| - | <i>Select Committee on Felons, vol. xxxvii, 1779</i> |
| - | <i>Select Committee on Penitentiary Act, vol. xxxix, 1784</i> |
| - | <i>Select Committee on Transportation, vol. xl, 1785</i> |
| - | <i>Commissioner Bigge on the State of the Colony of New South Wales, xx, 1822</i> |
| JHL | <i>Journals of the House of Lords</i> |
| PP | <i>Parliamentary Papers</i> |
| - | <i>Report from the Committee on the Petition of the Court of Directors of the Sierra Leone Company, 1802</i> |
| - | <i>Report from the Select Committee on Transportation, 1812</i> |
| - | <i>Report from the Select Committee on Criminal Laws, 1819</i> |

6. Newspapers and Periodicals

- | | | |
|---------------------------------|---|-----------------------|
| <i>The Daily Advertiser</i> |) | |
| <i>The Morning Chronicle</i> |) | for the years 1783-88 |
| <i>The Morning Post</i> |) | |
| <i>Daily Universal Register</i> |) | |

7. Later Works

a) Books

ALDRICH Robert, *Greater France – A History of French Overseas Expansion* (London, Macmillan Press, 1996)

ALLIBONE T.E., *The Royal Society and its Dining Clubs* (Oxford, Pergamon Press, 1976)

- APPLETON Richard (ed.), *Milestones in Australian History 1788 to the Present* (Sydney, Collins, 1986)
- ARUNDEL Thomas, *The City of London and its Livery Companies* (London, Richard Bentley, 1869)
- ASHTON T.S., *An Economic History of England: The 18th Century* (London, Methuen & Co. Ltd., 1955)
- ASPINALL A., ed., *The Later Correspondence of George III*, 5 vols. (Cambridge, Cambridge University Press, 1962)
- ATKINSON Alan, 'State and Empire and Convict Transportation, 1718-1812' in Carl Bridge (ed.), *New Perspectives in Australian History* (London, University of London, 1990)
- ATKINSON Alan, *The Europeans in Australia – A History; Volume 1- A Beginning* (Melbourne, Oxford University Press, 1997)
- AUGHTON Peter, *Endeavour: the story of Captain Cook's first great epic voyage* (Gloucestershire, The Windrush Press, 1999)
- BABINGTON Anthony, *The English Bastille – A History of Newgate Gaol and Prison Conditions in Britain 188-1902* (London, Macdonald, 1971)
- BAKER Norman, *Government and Contractors – the British Treasury and War Supplies, 1775-1783* (London, 1971)
- BARROW Sir John, *Sketches of the Royal Society and Royal Society Club* (London, Frank Cass and Co. Ltd., 1971)
- BATESON Charles, *The Convict Ships 1787-1868*, 2nd ed., (Glasgow, Brown, Son and Ferguson, 1969)
- BAUGH Daniel A., ed., *Aristocratic Government and Society in 18th Century England* (New York, Franklin Watts, 1975)
- BAYLEN Joseph O. and GOSSMAN, Norbert J., eds., *Biographical Dictionary of Modern British Radicals, Volume I – 1770-1830* (Sussex, Harvester Press, 1979)
- BEAGLEHOLE J.C., *The Exploration of the Pacific*, (London, Adam & Charles Black, 1947)
- BEATSON Robert, *A Political Index to the Histories of Great Britain and Ireland*, 3rd ed., 3 vols (London, Longman, Hurst, Rees and Orme, 1806)
- BEATTIE J.M., *Crime and the Courts in England 1660-1800* (Princeton University Press, 1986)
- BEAVEN Alfred B., *The Aldermen of the City of London* (London, Eden Fisher and Co., 1908)
- BINNEY J.E.D., *British Public Finance and Administration 1774-92* (Oxford, Clarendon Press, 1958)

- BIRCH Alan and MACMILLAN David S., *The Sydney Scene 1788-1960* (Sydney, Hale and Iremonger, 1982)
- BIRMINGHAM, David, *Portugal and Africa* (London, Macmillan Press Ltd., 1999)
- BLACK Jeremy, *British Foreign Policy in an Age of Revolutions 1783-93* (Cambridge University Press, 1994)
- BLACK Jeremy and WOODFINE Philip, eds., *The British Navy and the Use of Naval Power in the Eighteenth Century* (Leicester University Press, 1988)
- BLACKHAM Robert J., *London's Livery Companies* (London, Sampson, Low, Marston and Co. Ltd., 1931)
- BLAINEY Geoffrey, *The Tyranny of Distance – How Distance Shaped Australia's History* (Melbourne, Macmillan, 1966)
- BLAINEY Geoffrey, *A Land Half Won* (Adelaide, Griffin Press Ltd., 1980)
- BOORSTIN Daniel J., *The Americans – The Colonial Experience* (London, Phoenix Press, 2000)
- BRENNER Robert, *Merchants and Revolution – Commercial Change, Political Conflict and London's Overseas Traders, 1550 –1653* (Cambridge University Press, 1993)
- BREWER John and STYLES John, *An Ungovernable People – the English and their law in the 17th and 18th centuries* (Great Britain, Hutchinson, 1980)
- BREWER John, *The Sinews of Power – War, Money and the English State 1688-1783* (London, Unwin Hyman, 1989)
- BROWN Richard, *A History of the Island of Cape Breton*, (London, Sampson, Low, Son & Marston, 1869)
- BROWN Wallace, *The Good Americans – the Loyalists in the American Revolution* (New York, William Morrow and Co., 1969)
- BUCKLEY Ken and WHEELWRIGHT Ted, *No Paradise for Workers; Capitalism and the Common People in Australia 1788-1914* (Melbourne, Oxford University Press, 1988)
- BULLEY Anne, *The Bombay Country Ships* (London, Curzon, 2000)
- BURNS Sir Alan, *History of the British West Indies* (London, Penguin, 1954)
- CAMERON Hector Charles, *Sir Joseph Banks – the Aristocrat of the Philosophers* (London, The Batchworth Press, 1952)
- CAMPBELL Charles, *The Intolerable Hulks: British Shipboard Confinement 1776-1857* (Bowie, Md., Heritage Books, 1993)
- CARTER Harold B., *Sir Joseph Banks 1743-1820* (London, British Museum (Natural History), 1988)

- CASSEL and Co. Ltd. 6 vols *The History of the British People, Volume V – From the Revolutionary Settlement to Waterloo* (London, Waverley, 1965)
- CHAMBERLAIN Muriel E., *Formation of the European Empires 1488-1920* (Harlow, England, Longman, 2000)
- CHAPMAN Sir Frederick, *Governor Phillip in Retirement* (Sydney, Halstead Press, 1962)
- CHURCHWARD L.G., *Australia & America 1788-1972: An Alternative History* (Sydney, Alternative Publishing Cooperative Limited, 1979)
- CLARK Manning, *A History of Australia, Volume 1 - from the Earliest Times to the Age of Macquarie* (Melbourne, Melbourne University Press, 1999)
- COLLINGE J.M., *Office Holders in Modern Britain, Volume VII – Navy Board Officials 1660-1832* (University of London: IHR, 1978)
- COWAN, Helen I., *British Emigration to British North America 1783-1837* (Toronto, University of Toronto Library, 1928)
- CRAWFORD R.M., *Australia* (London, 1952)
- DALLAS K.M., *Trading Posts or Penal Colonies* (Devonport, Tasmania, 1969)
- DAVIS Ralph, *Aleppo and Devonshire Square – English Traders in the Levant in the 18th century* (London, Macmillan, 1967)
- DEANE Phyllis and COLE W.A., *British Economic Growth 1688-1959: Trends and Developments* (London, 1968)
- DENHOLM David, *The Colonial Australians* (London, Allen Lane, 1979)
- DENSLOW William R., *Ten Thousand Famous Freemasons, 4 vols* (Independence Missouri, 1957)
- DERRY John W., *Politics in the Age of Fox, Pitt and Liverpool – Continuity and Transformation* (London, Macmillan Press Ltd., 1990)
- DUNMORE John, *Problems Arising from Social and Political Change in France 1780-1810* (Canberra, Highland Press, 1990)
- DUNMORE John, *The Journal of Jean-François de Galaup de la Pérouse 1785-1788, 3 vols.* (London, Hakluyt Society, 1995)
- EHRMAN J., *The Younger Pitt: Volume 1 - The Years of Acclaim* (London, Constable, 1969)
- EHRMAN J., *The British Government and Commercial Negotiations with Europe 1783-1793* (Cambridge, University Press, 1962)
- EINSTEIN Lewis, *Divided Loyalties – Americans in England during the war of independence* (London, Cobden-Sanderson, 1933)

- EKIRCH Roger A., *Bound for America – the Transportation System of British Convicts to the Colonies 1718-1775* (Oxford, Clarendon Press, 1987)
- EMSLEY Clive, *Crime and Society in England 1750-1900*, 2nd ed. (Harlow, England, Longman, 1996)
- EWING A. C., *The Morality of Punishment* (London, Kegan Paul, Trench, Trubner, 1929)
- EVANS Eric J., *Political Parties in Britain 1783-1867* (London, Methuen, 1985)
- EVANS Eric J., *William Pitt the Younger* (London, Routledge, 1999)
- FARRER J.A., *Crimes and Punishments* (London, 1880)
- FIELDHOUSE D.K., 'The British Empire, 1763-1815' in *The Colonial Empires*, (London, Weidenfield & Nicolson, 1966)
- FITZPATRICK Brian, *British Imperialism and Australia 1783-1833: An Economic History*, 2nd ed. (Sydney, University Press, 1971)
- FLETCHER Brian, ed., *David COLLINS, An Account of the English Colony in New South Wales* (Sydney, A. H. & A. W. Reed in association with the Royal Australian Historical Society, 1975)
- FOX, Lionel W., *The English Prison and Borstal Systems* (London, 1952)
- FOUCAULT, Michel, *Surveiller et punir: Naissance de la prison* (translated by SHERIDAN, Alan, as *Discipline and Punish – the birth of the prison*), (London, Billing and Sons Ltd., 1977)
- FROST Alan, *Convicts and Empire – A Naval Question 1776-1811* (Oxford University Press, 1980)
- FROST Alan, *Dreams of a Pacific Empire – Sir George Young's proposal for a colonization of New South Wales (1784-5)* (Sydney, Resolution Press, 1980)
- FROST Alan, *Arthur Phillip: Founding Australia, The Second Foundation Day Lecture*, (Sydney, Friends of Government House, 1986)
- FROST Alan, *Arthur Phillip 1738-1814: His Voyaging* (Melbourne, Oxford University Press, 1987)
- FROST Alan, *Botany Bay Mirages – Illusions of Australia's Convict Beginnings* (Melbourne, Melbourne University Press, 1994)
- FROST Alan, *The Precarious Life of James Mario Matra* (Melbourne, The Miegunyah Press, 1995)
- FROST Alan, *Voyage of the Endeavour – Captain Cook and the Discovery of the Pacific* (St. Leonard's NSW, Allen and Unwin, 1998)
- FROST Alan, *The Global Reach of Empire – Britain's Maritime Expansion in the Indian and Pacific Oceans, 1764-1814*, (Melbourne, 2003) I am grateful to Professor Frost for a copy of his manuscript before publication.

FRY Howard T., *Alexander Dalrymple (1737-1808) and the Expansion of British Trade* (University of Toronto Press, 1970)

FRY Michael, *The Dundas Despotism* (Edinburgh, Edinburgh University Press, 1992)

FURBER Holden, *Private Fortunes and Company Profits in the India Trade in the 18th Century* (Variorum, 1997)

FURBER Holden, *Rival Empires of Trade in the Orient, 1600-1800* (Minneapolis, University of Minnesota Press, 1976)

FURBER, Holden, *Henry Dundas, First Viscount Melville 1742-1811* (London, Oxford University Press, 1931)

GASCOIGNE John, *Science in the Service of Empire: Joseph Banks, the British State and the uses of science in the age of revolution* (Cambridge University Press, 1998)

GASCOIGNE John, *The Enlightenment and the Origins of European Australia* (Cambridge, Cambridge University Press, 2002)

GAZIELLO Catherine, *French Interests and Ambitions: Lapérouse's Voyage* (Canberra, Highland Press, 1990)

GEORGE M. D., *English Social Life in the Eighteenth Century* (London, The Sheldon Press, 1923)

GILLEN Mollie, *The Founders of Australia: A biographical dictionary of the First Fleet* (Sydney, Library of Australian History, 1989)

GIRTIN Tom, *The Triple Crowns: a narrative history of the Drapers Company 1364-1964* (London, Hutchinson and Co. Ltd., 1964)

GODDARD T.N., *The Handbook of Sierra Leone* (London, Grant Richards Ltd., 1925)

GRAHAM Gerald S., *A Concise History of Canada* (London, Thames and Hudson, 1968)

GREY Jeffrey, *A Military History of Australia* (Cambridge, Cambridge University Press, 1990)

GRUPP Stanley E., ed., *Theories of Punishment* (London, Indiana University Press, 1971)

HAINSWORTH D. R., *The Sydney Traders – Simeon Lord and his contemporaries 1788-1821* (Cassell, Australia, 1972)

HAMMOND J.L. and HAMMOND B., - *The Village Labourer* (London, 1911)
- *The Town Labourer* (London, 1917)
- *The Skilled Labourer* (London, 1919)

HANCOCK David, *Citizens of the World – London Merchants and the Integration of the British Atlantic Community, 1735-1785* (Cambridge University Press, 1995)

- HANCOCK Keith, *Australia* (London, 1930)
- HANCOCK, Keith, *Two Centuries of Change: An Elementary History for Young Australians* (Melbourne, 1934)
- HANNAY James, *History of New Brunswick* (St.John, John A. Bowes, 1909)
- HARDING Alan, *A Social History of English Law* (London, Penguin, 1966)
- HARDING Christopher, HINES B., IRELAND R., and RAWLINGS P., *Imprisonment in England and Wales – A Concise History* (Groom Helm, 1985)
- HARDY John and FROST Alan, eds., *Studies from Terra Australis to Australia* (Canberra, Highland Press, 1989)
- HARDY John and FROST Alan, eds., *European Voyaging Towards Australia* (Canberra, Highland Press, 1990)
- HARLOW Vincent T., *The Founding of the Second British Empire 1763-1793*, 2 vols (London, Longmans, 1952 and 1964)
- HARLOW Vincent and MADDEN Frederick, *British Colonial Developments 1774-1834: Select Documents* (Oxford, Clarendon Press, 1953)
- HARPER Lawrence A., *The English Navigation Laws – a seventeenth century experiment in social engineering* (New York, Columbia University Press, 1939)
- HAY Douglas, LINEBAUGH P., RULE J., THOMPSON E.P., AND WINSLOW C., eds., *Albion's Fatal Tree* (England, Penguin Books Ltd, 1975)
- HILL J.R., (ed.), *The Oxford Illustrated History of the Royal Navy*, (Oxford, OUP, 1995)
- HIRST J.B., *Convict Society and its enemies – a history of early New South Wales* (London, George Allen and Unwin, 1983)
- HOLLAND ROSE J., *William Pitt and National Revival* (London, G. Bell & Sons, 1911)
- HOLLAND ROSE J., NEWTON A.P., and BENIANS E.A., eds., *The Cambridge History of the British Empire / Vol.7 Part 1, Australia*, (London, Cambridge University Press, 1933)
- HOWARD John, *The State of the Prisons* (London, Everyman, 1929). This is an amalgam of data contained in the originals. 1st ed. (1777), 2nd ed. (1780), 3rd ed. (1784), 4th ed. (1792)
- HUGHES Robert, *The Fatal Shore – a History of the Transportation of Convicts to Australia, 1787-1868* (London, Guild Publishing, 1987)
- HUGHES Thea Stanley, *Arthur Phillip* (New South Wales, Star Printery, 1982)
- HUNTING Penelope, *A History of the Society of Apothecaries* (London, BAS Printers, 1998)

HYAM Ronald, 'The Primacy of Geopolitics: The Dynamics of British Imperial Policy, 1763-1963' in Robert D. KING & Robin W. KILSON, eds., *The Statecraft of British Imperialism – Essays in Honour of Wm. Roger Louis* (London, Frank Cass, 1999)

IGNATIEFF Michael, *A Just Measure of Pain – The Penitentiary in the Industrial Revolution 1750-1850* (London, Penguin, 1989)

INNES Joanna, 'The Role of Transportation in 17th and 18th century English penal Practice', *New Perspectives in Australian History*, Carl Bridge, ed., (London, University of London, 1990)

IVES George, *A History of Penal Methods – criminals, witches, lunatics* (Montclair, N.J., Patterson Smith, 1970)

JACK Bauer K., *A Maritime History of the United States – The role of America's Seas and Waterways* (University of Carolina Press, 1988)

JOHNSON Stanley C., *A History of Emigration from the United Kingdom to North America 1763-1912* (London, Routledge & Sons, 1913)

KENNEDY Paul M., *The Rise and Fall of British Naval Mastery* (London, Macmillan, 1983)

KENNEDY Paul M., *The Rise and Fall of the Great Powers – Economic Change and Military Conflict from 1500 to 2000* (London, Unwin Hyman, 1988)

KING Robert J., *The Secret History of the Convict Colony. Alexandro Malaspina's report of the British settlement of New South Wales* (London, Allen and Unwin, 1990)

KNIGHT R.J.B. and FROST Alan, eds., *The Journal of Daniel Paine, 1794-1797* (Sydney, Ambassador Press Pty Ltd., 1983)

KOCIUMBAS Jan, *The Oxford History of Australia*, 5 vols, Vol. 2: 1770-1860 Possessions (Melbourne, Oxford University Press, 1995)

LATHAM Bryan, *Timber: Its Development and Distribution* (London, George G. Harrop, 1957)

LAWRENCE A.W., *Trade Castles and Forts of West Africa* (London, Jonathan Cape, 1963)

LAWSON Philip, *The East India Company – a history* (London, Longman, 1993)

LUCAS Sir C. P., *A History of Canada 1763-1812* (Oxford, Clarendon Press, 1909)

MACKANESS George, *Admiral Arthur Phillip – Founder of New South Wales, 1738-1814* (Sydney, Angus & Robertson, 1937)

MACKAY David, *A Place of Exile – The European Settlement of New South Wales* (Oxford University Press, 1985)

MACKAY David, *In the Wake of Cook – Exploration, Science & Empire, 1780-1801* (London, Croom Helm, 1985)

- MADDEN A.F., 'The Imperial Machinery of the Younger Pitt', *Essays in British History*, H.R. Trevor-Roper, ed., (London, Macmillan, 1964)
- MARSHALL P.J., *Problems of Empire – Britain and India 1757-1813* (London, George Allen & Unwin, 1968)
- MARSHALL Peter (ed.), *The Oxford History of the British Empire – The Eighteenth Century* (Oxford, OUP, 1998)
- MARTIN Eveline C., *The British West African Settlements 1750-1821* (London, Longmans, Green and Co. Ltd., 1927)
- MARTIN Ged (ed.), *The Founding of Australia – the arguments about Australia's origins* (Sydney, Hale and Iremonger, 1978)
- McCONVILLE Sean, *A History of English Prison Administration, Volume 1 1750-1877* (London, Routledge and Kegan Paul, 1981)
- McGOWAN Randall, 'The Well-Ordered Prison', *The Oxford History of the Prison*, Norval Morris and David Rothman, eds. (Oxford, OUP, 1995)
- McLYNN Frank, *Crime and Punishment in Eighteenth Century England* (London, Routledge, 1989)
- McNAUGHT Kenneth, *The Penguin History of Canada* (London, Penguin, 1969)
- MELBOURNE A.C.V., *Early Constitutional Developments in Australia: New South Wales 1788-1856*, 2nd ed., (Brisbane, 1963)
- MINCHINTON W.E., ed., *The Growth of English Overseas Trade in the Seventeenth and Eighteenth Centuries* (London, Methuen and Co. Ltd., 1969)
- MINGAY G.E., *The Gentry: the rise and fall of a ruling class* (London, Longman, 1976)
- MITCHELL B.R. and DEANE Phyllis, *Abstract of British Historical Statistics* (Cambridge, CUP, 1962)
- MORGAN Kenneth, *Bristol and the Atlantic Trade in the Eighteenth Century* (Cambridge University Press, 1993)
- MORGAN Sharon, *Land Settlement in Early Tasmania* (Cambridge, Cambridge University Press, 1992)
- MORRIS Norval and ROTHJMAN David J., *The Oxford History of the Prison – the Practice of Punishment in Western Society* (Oxford, Oxford University Press, 1995)
- MORSE Hosea Ballou, *The Chronicles of the East India Company trading to China 1635-1834*, 4 vols. (Oxford, Clarendon Press, 1926)
- MULVANEY D. J. and PETER WHITE J., eds., *Australians to 1788* (Sydney, Fairfax, Syme & Weldon, 1988)
- MURPHY Rhoads, *The Outsiders – the western experience in India and China* (Ann Arbor, The University of Michigan Press, 1977)

NAIRN N.B., 'The Selection of Botany Bay' in ABBOTT G.J. and NAIRN N.B. eds., *Economic Growth of Australia, 1788-1821* (Melbourne, Melbourne University Press, 1969)

NAMIER Sir Lewis, *England in the Age of the American Revolution*, 2nd ed. (London, Macmillan and Co. Ltd., 1961)

NAMIER Sir Lewis, *The Structure of Politics at the Accession of George III*, 2nd ed., (London, Macmillan and Co., 1957)

NEAL David, *The Rule of Law in a Penal Colony: law and power in early New South Wales* (Cambridge University Press, 1991)

NEWBURY, C.W., *British Policy Towards West Africa – Select Documents 1786-1874* (Oxford, Clarendon Press, 1965)

NICHOLAS Stephen, *Convict Working – Reinterpreting Australia's past* (Melbourne, Cambridge University Press, 1988)

OBEYESEKERE Gananath, *The Apotheosis of Captain Cook: European Mythmaking in the Pacific* (Princeton University Press, 1992)

O'BRIAN Patrick, *Joseph Banks – a life* (London, Collins Harvill, 1988)

O'BRIEN Eris, *The Foundation of Australia (1786-1800): A Study in English Criminal Practice and Penal Colonisation in the Eighteenth Century*, 2nd ed. (London, Angus and Robertson Ltd, 1950)

OLDHAM Wilfred, *Britain's Convicts to the Colonies* (Sydney, Library of Australian History, 1990)

OLIVER Roland and FAGE, J.D., *A Short History of Africa*, 6th ed. (London, Penguin, 1988)

ORRIDGE B.B., *The Citizens of London and Their Rulers, from 1060 to 1867* (London, William Tagg, 1867)

An Outline of Australian Naval History (Canberra, Australian Government Publishing Service, 1976)

PARES Richard, *King George III and the Politicians* (Oxford, Clarendon Press, 1953)

PASCOE Rob, *The Manufacture of Australian History*, (Melbourne, Oxford University Press, 1979)

PHILIPS C. H., *The East India Company 1784-1834* (Manchester, Manchester University Press, 1940)

PLUMB J.H., *England in the Eighteenth Century* (London, Penguin Books, 1990)

PONTIFEX Bryan, *The City of London Livery Companies* (London, Methuen and Co. Ltd., 1939)

- PORRITT Edward, *The Unreformed House of Commons – parliamentary representation before 1832*, 2 vols (Cambridge, Cambridge University Press, 1903)
- PORTER Roy, *English Society in the Eighteenth Century* (London, Penguin, 1990)
- PORTUS G.V., *Australia Since 1606: A History for Young Australians* (Melbourne, 1922)
- POWIS Jonathan, *Aristocracy* (Oxford, Basil Blackwell, 1984)
- RADZINOWICZ, Leon, *A history of Criminal Law and its Administration from 1750*, 5 vols (London, Stevens, 1948-86)
- REES J. Aubrey, *The Worshipful Company of Grocers, an historical retrospect, 1345-1923* (London, Chapman and Dodd, 1923)
- REECE Bob, *The Origins of Irish Convict Transportation to New South Wales* (Basingstoke, Palgrave, 2001)
- ROBERT Rudolph, *Chartered Companies and Their Role in the Development of Overseas Trade* (London, G. Bell and Sons, 1969)
- ROBSON L.L., *The Convict Settlers of Australia*, 2nd ed. (Melbourne, Melbourne University Press, 1994)
- RODGER N.A.M., *The Wooden World – an anatomy of the Georgian Navy* (Glasgow, Fontana Press, 1986)
- ROGERS, J.D., *A Historical Geography of the British Colonies, Vol. VI – Australasia*, 6 vols. (Oxford, Clarendon Press, 1907)
- RULE John, *Albion's People: English Society, 1714-1815* (London, Pearson Education, 1992)
- SAINTY J.C., *Office Holders in Modern Britain*, (London, The Athlone Press, 1975)
- | | | |
|-----|---|--|
| I | - | Treasury Officials 1660-1870 (1973) |
| II | - | Officials of the Secretaries of State 1660-1782 (1973) |
| III | - | Officials of the Boards of Trade 1660-1870 (1974) |
| IV | - | Admiralty Officials 1660-1870 (1975) |
| V | - | Home Office Officials 1782-1870 (1975) |
- SCHUMPETER Elizabeth B., *English Overseas Trade Statistics 1697-1800* (London, 1960)
- SCOTT Ernest, 'British Settlement in Australia (1783-1806)' in *Cambridge History of the British Empire*, (Cambridge, Cambridge University Press, 1933)
- SEMPLE Janet, *Bentham's Prison – a study of the Panopticon penitentiary* (Oxford, Clarendon Press, 1993)
- SHAW A.G.L., *Convicts and the Colonies – a study of penal transportation from Gt. Britain and Ireland to Australia and other parts of the British Empire* (Melbourne, Melbourne University Press, 1981)
- SHAW A.G.L., *The Story of Australia* (London, Faber, 1961)

- SHERIDAN, Alan, *Discipline and Punish – the birth of the prison* (translated from the French), (London, Billing and Sons Ltd., 1977)
- SMITH A.E., *Colonists in Bondage: White Servitude and Convict Labour in America 1607 – 1776* (Chapel-Hill, University of North Carolina Press, 1947)
- SOBEL Dava, *Longitude* (London, Fourth Estate, 1998)
- SPATE O.H.K., *Australia* (London, Ernest Benn Ltd., 1969)
- SPATE O.H.K., *The Spanish Lake* (Canberra ANU Press, 1979)
- SPIERENBURG Pieter, 'The Body and the State', *The Oxford History of the Prison*, Norval Morris and David Rothman, Eds. (Oxford, OUP, 1995)
- STEVEN Margaret, *Merchant Campbell 1769-1846, A Study of Colonial Trade* (Melbourne, Oxford University Press, 1965)
- STEVEN Margaret, *Trade, Tactics and Territory; Britain in the Pacific 1783 - 1823* (Melbourne, Melbourne University Press, 1983)
- STEVENSON John, *Popular Disturbances in England 1700 – 1832*, 2nd ed. (London, Longman, 1992)
- STOKESBURY James L., *Navy and Empire* (New York, William Morrow, 1983)
- SUTHERLAND Lucy Stuart, *A London Merchant 1695-1774* (Oxford University Press, 1933)
- SUTHERLAND Lucy S., *The East India Company in Eighteenth Century Politics* (Oxford, Clarendon Press, 1952)
- SUTHERLAND Lucy, *Politics and Finance in the Eighteenth Century* (London, Hambledon Press, 1984)
- SWAN R. A., *To Botany Bay...if Policy warrants the measure* (Canberra, Roebuck Society, 1973)
- THEAL George McCall, *History and Ethnography of Africa South of the Zambezi*, 3 vols. (London, Swan Sonnenschein, 1907)
- THOMAS P.D.G., *The House of Commons in the Eighteenth Century* (Oxford, 1971)
- THORNE R.G., *The History of Parliament 1790 – 1820* (Secker and Warburg, 1986)
- TIPPING Marjorie, *Convicts Unbound, The Story of the Calcutta Convicts and their Settlement in Australia* (Melbourne, Penguin, 1988)
- UNWIN George, *The Gilds and Companies of London* (London, Frank Cass, 1963)
- VENN J.A., ed., *Alumni Cantabrigiensis*, 6 vols. Part II – 1752-1900 (Cambridge, Cambridge University Press, 1951)
- WARD Russel, *The Australian Legend* (Melbourne, 1958)

WATNEY Sir John, *The Mistery of Mercers of the City of London* (London, Blades, East and Blades, 1914)

WEBB S. and WEBB B., *English Local Government from the Revolution to the Municipal Corporations Act*, 9 Vols. (London, 1906-29)

WELCH Joseph, ed., *Alumni Westmonasteriensis - The list of the Queens scholars of St. Peter's College, Westminster* (London, G.W. Ginger, 1852)

WHEELER Douglas L. and PÉLISSIER René, *Angola* (London, Pall Mall Press, 1971)

WHITAKER Anne-Maree, *Joseph Foveaux, Power and Patronage in Early New South Wales* (Sydney, University of New South Wales Press, 2000)

WHITEMAN Ann, BROMLEY J.S., and DICKSON P.G.M., eds., *Statesmen, Scholars and Merchants* (Oxford, Clarendon Press, 1973)

WILLIAMS Glyndwr and FROST Alan, eds., *Terra Australis to Australia* (Melbourne, Oxford University Press, 1988)

WILLIAMS Judith Blow, *British Commercial Policy and Trade Expansion 1750-1850* (Oxford, Clarendon Press, 1972)

WOOD, G. A., *The Discovery of Australia* (Melbourne, 1922)

WILSON Charles, *Australia 1788-1988: the creation of a nation* (London, Weidenfeld and Nicolson, 1987)

WRAXALL Sir Nathaniel William, *Historical memoirs of My Own Time*, 4 vols. (London, Kegan, Paul, Trench, Trubner, 1904)

ZEIGLER Philip, *The Sixth Great Power, Barings 1762-1929* (London, Collins, 1988)

b) Journal Articles

ABBOTT G. C., 'Staple Theory and Australian Economic Growth, 1788-1820', *Business Archives and History*, Vol. 5, No. 2 (Aug. 1965), pp. 142-154

ABBOTT Graham, 'The Expected Cost of the Botany Bay Scheme', *JRAHS*, Vol. LXXXI, No. 2 (1995), pp. 151-166

ATKINSON Alan, 'Botany Bay: a counter riposte', *AEHR*, Vol. XVII (1977), pp. 78-82.

ATKINSON Alan, 'Jeremy Bentham and the Rum Rebellion', *JRAHS*, Vol. LXIV, No. 1 (1978), pp. 1-13

ATKINSON Alan, 'John Macarthur Before Australia Knew Him', *Journal of Australian Studies*, Vol. 4 (1979), pp. 22-37

ATKINSON Alan, 'The British Whigs and the Rum Rebellion', *JRAHS*, Vol. LXVI, No. 2 (1980), pp. 73-90

-
- ATKINSON Alan, "Document: 'Distress of a convict ordered to Botany Bay'", *Push from the Bush*, Vol. 17 (Apr. 1984), pp. 39-42
- ATKINSON Alan, 'The Convict Republic', *Push from the Bush*, Vol. 18 (Oct. 1984), pp. 66-84
- ATKINSON Alan, 'The First Plans for Governing New South Wales, 1786-7', *AHS*, Vol. 24, no. 94 (1990), pp. 22-40
- ATKINSON Alan, 'Beating the Bounds with Lord Sydney, Evan Nepean and Others', *AHS*, Vol. 25, No. 97 (1991), pp. 217-19
- ATKINSON Alan, 'Beating the Bounds with Lord Sydney, Evan Nepean and others', *AHS*, Vol. 25, no. 99 (1992), pp. 217-219
- ATKINSON Alan, 'Writing About Convicts: Our Escape From the One Big Gaol', *Tasmanian Historical Studies*, Vol. 6, No. 2 (1999), pp. 17-28
- AUCHMUTY J. J., 'Governor Phillip', *JRAHS*, Vol. LVI, No. 2 (1970), pp. 81-91
- AVELING Marian, 'Imagining New South Wales as a Gendered Society 1783-1821', *AHS*, Vol. 25, No. 98 (1992), pp. 1-12
- BARNARD John E., 'John Barnard the Younger, Shipbuilder of Ipswich and Harwich, 1705-1784', *Mariners Mirror*, Vol. 78, no. 2 (1992), pp. 155-175
- BARNES Robert, 'Collins: His Dilemma and Decisions', *Royal Historical Society of Victoria*, Vol. 54, No. 1 (1983), pp. 29-40
- BARRATT Glynn R.V., 'The Russian Navy and New Holland', *JRAHS*, LXIV, No. 4 (1979), pp. 217-234
- BARROW Tony, 'The Newcastle Whaling Trade, 1752-1849', *Mariners Mirror*, Vol. 75, No. 3 (1989), pp. 231-40
- BARTLETT Thomas, "A People Made Rather for Copies than Originals": The Anglo-Irish, 1760-1800', *International History Review*, Vol. 12 (1990), pp. 11-25
- BAUGH Daniel, 'Great Britain's "Blue-Water" Policy, 1689-1815', *International History Review*, Vol. 10 (1988), pp. 33-58
- BAUSS Rudy, 'The Critical Importance of Rio de Janeiro to British Interests, with Particular Attention to Australia in Her Formative Years, 1787-1805', *JRAHS*, Vol. LXV, No. 3 (1979), pp. 145-172
- BAX Allan E., 'Australian Merchant Shipping, 1788-1849', *JRAHS*, Vol. XXXVIII, No. 6 (1952), pp. 249-284
- BAYLDON Francis J., 'Remarks on Criticisms of Explorers in the Pacific Ocean', *JRAHS*, Vol. XIX, No. 3 (1933), pp. 141-174
- BEEVER E. A., 'The Origin of the Wool Industry in New South Wales', *Business Archives and History*, Vol. 5, No. 2 (Aug. 1965), pp. 91-101

- BHAGAT G., 'Americans and American Trade in India, 1784-1814', *The American Neptune*, Vol. 46, No. 1 (1986), pp. 6-15
- BLACK Iain S., 'The London Agency System in English Banking, 1780-1825' in *London Journal*, Vol. 21, No. 2 (1996), pp. 112-130
- BOLTON G. C., 'William Eden and the Convicts, 1771-1787', *AJPH*, Vol. 26, No. 1 (1980), pp. 30-44
- BOLTON G.C., 'The Hollow Conqueror: Flax and the Foundation of Australia', *AEHR*, Vol. 8 (1968), pp. 3-16
- BOWEN Huw V., "Dipped in the Traffic": East India stockholders in the House of Commons 1768-1774', *Parliamentary History*, Vol. 5 (1986), pp. 39-53
- BREIHAN John R., 'William Pitt and the Commission on Fees, 1785-1801', *Historical Journal*, Vol. 27, No. 1 (1984), pp. 59-81
- BRIDGE Carl, MARSHALL P.J. and WILLIAMS Glyndwr (eds.) 'Introduction: A "British" Empire', *International History Review*, Vol. 12 (1990), pp. 2-10
- BRIDGES Barry, 'The Aborigines and the Land Question: New South Wales in the Period of Imperial Responsibility', *JRAHS*, Vol. LVI, No. 2 (1970), pp. 92-110
- BROEZE Frank, 'Private Enterprise and Public Policy: merchant shipping in Australia and New Zealand 1788-1992', *AEHR*, Vol. XXXII, no. 2 (1992), pp. 8-32
- BROWN Wallace, 'American Loyalists in Britain', *History Today*, Vol.19 (1969), pp.672-8
- BRUIJN Jaap R. and HESLINGA Els van Eyck, 'Mutiny, Rebellion on the Ships of the Dutch East India Company', *Great Circle*, Vol. 4, No. 1 (Apr. 1982), pp. 1-9
- BYRNES Dan, 'Outlook for England's South Whale Fishery, 1784-1800; The Great Botany Bay Debate', *Great Circle*, Vol. 10, No. 2 (Oct. 1988), pp. 79-102
- CAIN P.J. and HOPKINS A.G., 'The Political Economy of British Expansion Overseas, 1750-1914', *Economic History Review*, Vol. XXXXIII, no. 4 (1980), pp. 463-490
- CAIN P.J. and HOPKINS A.G., 'Gentlemanly Capitalism and British Expansion Overseas. I – The Old Colonial System, 1688-1850', *Economic History Review*, Vol. XXXIX, no. 4 (1986), pp. 501-525
- CAMPBELL Enid, 'Prerogative Rule in New South Wales, 1788-1823', *JRAHS*, Vol. L, No. 3 (1964), pp. 161-191
- CAVANAGH A. K., 'The Return of the First Fleet Ships', *Great Circle*, Vol. 11, No. 2 (Oct. 1989), pp. 1-15
- CHAPMAN Stanley D., 'British Marketing Enterprise: The Changing Roles of Merchants, Manufacturers, and Financiers, 1700-1860', *Business History Review*, Vol. 53, No. 2 (1979), pp. 205-234

CHEONG W. E., 'Trade and Finance in China: 1784-1834', *Business History*, Vol. 7, No. 1 (1965), pp. 34-47

CHEUNG Hoh and MUI Loma H., 'The Commutation Act and the Tea Trade in Britain, 1784-1793', *Economic History Review*, Vol. XVI (1963), pp. 234-253

CLARK M., 'The Origins of Convicts Transported to Eastern Australia, 1787-1852', *Historical Studies*, Vol. 7, No. 26, part 1 – pp. 121-135; No. 27, part 2 – pp. 314-327; (1956)

COBLEY John, 'The Crimes of the First Fleeters', *JRAHS*, Vol. LII, No. 2 (1966), pp. 81-93

COLLEY Linda, 'The Politics of Eighteenth-Century British History', *Journal of British Studies*, Vol. 25 (October 1986), pp.359-379

CONDON M. E., 'The Establishment of the Transport Board; a subdivision of the Admiralty – 4 July 1794', *Mariners Mirror*, Vol. 58, No. 1 (1972), pp. 69-84

CONWAY Stephen R., 'The Recruitment of Criminals into the British Army, 1775-81', *Bulletin of the Institute of Historical Research*, Vol. 58 (1985), pp. 45-58

DAUNTON M. J., 'Inheritance and Succession in the City of London in the Nineteenth Century', *Business History*, Vol. 30, No. 3 (1988), pp. 269-286

DALLAS K.M., 'The first settlement in Australia: considered in relation to sea-power in world politics', *THRA*, Vol. 1, No. 3 (1952), pp. 1-12

DALLAS K.M., 'The Economic Growth of Australia', *THRA*, Vol. 17, No. 3 (1970), pp. 103-10

DAVIE D.A., 'The Reasons for Australian Settlement' in *THRA*, Vol. 4, (1952), pp. 9-10

DEVINE T. M., 'Glasgow Merchants and the Collapse of the Tobacco Trade, 1775-1783', *Scottish Historical Review*, Vol. 52 (1973), pp. 50-74

DOWNS Jacques M., 'American Merchants and the China Opium Trade, 1800-1840', *Business History Review*, Vol. 42, No. 4 (1968), pp. 418-442

EKIRCH A. Roger, 'Great Britain's Secret Convict Trade to America, 1783-1784', *American Historical Review*, Vol. 89 (1984), pp. 1285-91

EVANS Raymond and THORPE, William, 'Power, Punishment and Penal Labour: Convict Workers and Moreton Bay', *AHS*, Vol. 25, No. 98 (1992), pp. 90-111

FOSTER William, 'Francis Grose and the Officers', *JRAHS*, Vol. LI, No. 3 (1965), pp. 177-199

FROST Alan, 'The choice of Botany Bay: the scheme to supply the East Indies with naval stores', *AEHR*, Vol. 15 (1975), pp. 1-20

FROST Alan, 'The East India Company and the choice of Botany Bay', *HS*, Vol. 16 (1975), pp. 606-16

- FROST Alan, 'Botany Bay: a further comment', *AEHR*, Vol. XVII (1977), pp. 64-77
- FROST Alan, 'Thomas Rowcroft's Testimony and the Botany Bay Debate', *Labour History*, Vol. 36, (1979), pp. 101-7
- FROST Alan, 'Botany Bay: an imperial venture of the 1780s', *EHR*, Vol. 100 (1985), pp. 309-330
- FROST Alan, 'Botany Bay, Nootka Sound and the Beginnings of Britain's Imperialism of Free Trade', *Bulletin of the Centre for Tasmanian Historical Studies*, Vol. 3, No. 2 (1991), pp. 4-10
- FROST Alan, 'Historians, Handling Documents, Transgressions and Transportable Offences', *AHS*, Vol. 25, no. 99 (1992), pp. 192-213
- FRY H.T., "Cathay and the way thither": the background to Botany Bay', *Historical Studies*, Vol. 14 (1969-71), pp. 497-510
- GILLEN Mollie, 'The Botany Bay Decision, 1786: convicts, not empire', *EHR*, Vol. 97 (1982), pp. 740-766
- GILLEN Mollie, 'Botany Bay: an imperial venture of the 1780s', *EHR*, Vol. 100 (1985), pp. 309-330
- GONNER E.C.K., 'The Settlement of Australia', *EHR*, Vol. 3 (1888), pp. 625-43
- GREENWOOD Gordon, 'The Contact of American Whalers, Sealers, and Adventurers with the New South Wales Settlement', *JRAHS*, Vol. XXIX, No. 3 (1943), pp. 135-156
- GROSE Kelvin, 'New South Wales: "A Community of Evil"?' *JRAHS*, Vol. LXXVI, No. 3 (1990), pp. 180-9
- HARTWELL Richard M., 'Economic Growth in England Before the Industrial Revolution: Some Methodological Issues', *Journal of Economic History*, Vol. 29, No. 1 (1969), pp. 13-31
- HENDERSON W.O., 'The Anglo-French Commercial Treaty of 1786', *Economic History Review*, 2nd series, Vol. X, No. 3 (1957), pp. 104-112
- HOFFMAN Philip G., 'Australia's Debt to the American Revolution', *Historian*, Vol. XVII, No. 2 (1955), pp. 143-56
- HOLLAND N.J., 'The Reasons for Australian Settlement' in *THRA*, Vol. 4 (1952), pp. 10-15
- HYAM Ronald, 'British Imperial Expansion in the Late Eighteenth Century', *Historical Journal*, Vol. X, No. 1 (1967), pp. 113-131
- INNES Joanna and STYLES John, 'The Crime Wave: Recent Writing on Crime and Criminal Justice in Eighteenth-Century England', *Journal of British Studies*, Vol. 25 (October 1986), pp. 380-435
- JACKSON R.V., 'Luxury in Punishment: Jeremy Bentham on the Cost of the Convict Colony in New South Wales', *AHS*, Vol. 23, no. 90 (1988), pp. 42-59

JARVIS Rupert C., 'Ship Registry – 1786', *Maritime History*, Vol. 4, no. 1, (1974), pp. 13-31

JEREMY David J., 'Damming the Flood: British Government Efforts to Check the Outflow of Technicians and Machinery, 1780-1843', *BHR*, Vol. LI, no. 1 (1977), pp. 1-34

JONES A.G.E., 'Shipbuilding in Ipswich, 1750-1800', *Mariners Mirror*, Vol. 58 (1972), pp. 183-193

JONES A. G. E., 'The British Southern Whale and Seal Fisheries, Part 1', *Great Circle*, Vol. 3, No. 1 (Apr. 1981), pp. 20-29

JONES A. G. E., 'The British Southern Whale and Seal Fisheries, Part 2', *Great Circle*, Vol. 3, No. 2 (Oct. 1981), pp. 90-102

KENNY Helen, 'That Devil Ross: the Darguin Court Martial', *JRAHS*, Vol. LXXVI, No. 3 (1990), pp.

KING Robert J., 'What Brought La Perouse to Botany Bay', *JRAHS*, Vol. LXXXV, No. 2 (1999), pp. 140-147

KING Robert J., 'The Territorial Boundaries of New South Wales in 1788', *Great Circle*, Vol. 3, No. 2, (Oct. 1981), pp. 71-89

KING Robert J., "Ports of Shelter and Refreshment..." Botany Bay and Norfolk Island in British Naval Strategy, 1786-1808', *Historical Studies*, Vol. 22, No. 87 (1986), pp. 199-213

KLEIN Herbert S., 'The Portuguese Slave Trade from Angola in the Eighteenth Century', *Journal of Economic History*, Vol. 32, No. 4 (Dec., 1972), pp. 894-918

KNIGHT R. J. B., 'New England Forests and British Seapower: Albion Revised', *The American Neptune*, Vol. 46, No. 4 (1986), pp. 221-229

LONDON Roger, 'France and the Discovery of Australia', *THRA*, Vol. 19, No. 3 (1972), pp. 121-5

MACKANESS G., 'Some Proposals for Establishing Colonies in the South Seas', *JRAHS*, Vol. XXIX, No. 5 (1943), pp. 261-279

MACKAY David, 'Direction and Purpose in British Imperial Policy, 1783-1801', *Historical Journal*, XVII, 3 (1974), pp.487-501

MACKAY David, "Banished to Botany Bay": The Fate of the Relentless Historian', *AHS*, Vol.25, No.99 (1992), pp. 214-16

MALONE Joseph J., 'England and the Baltic Naval Stores Trade in the Seventeenth and Eighteenth Centuries', *Mariners Mirror*, Vol. 58 (1972), pp. 375-395

MARSHALL P.J., 'The Bengal Commercial Society of 1775: Private British Trade in the Warren Hastings Period' in *Bulletin of the Institute of Historical Research*, Vol. XLII (1969), pp. 173-187

- MARSHALL P.J., 'Empire and Authority in the Later Eighteenth Century', *Journal of Imperial and Commonwealth History*, Vol. 15, No. 2 (1987), pp. 105-122
- MARTIN Ged, 'Convict Transportation to Newfoundland in 1789' in *Acadiensis*, Vol. 5 (1975), pp. 84-99
- MARTIN Ged, 'Economic Motives Behind the Founding of Botany Bay', *AEHR*, Vol. XVI (1976), pp. 128-143
- McCAHILL Michael W., 'Peerage Creations and the Changing Character of the British Nobility, 1750-1830', *EHR*, Vol. 96 (1981), pp. 259-284
- McCAHILL Michael W., 'The House of Lords and the Collapse of Henry Addington's Administration', *Parliamentary History*, Vol. 6, no. 1 (1987), pp. 69-94
- McCARTY J. W., 'The Staple Approach in Australian Economic History', *Business Archives and History*, Vol. 4, No. 1, (Feb. 1964), pp. 1-22
- McRAE M. D., 'The Reasons for Australian Settlement', *THRA*, Vol. 4 (1952), pp. 6-9
- MELTON Frank T., 'Deposit Banking in London, 1700-1790', *Business History*, Vol. 28, No. 3 (1986), pp. 40-50
- MONTAGUE R.H., 'The Men of the New South Wales Corps: a Comparison', *JRAHS*, Vol. LXII, No. 4 (1977), pp. 217-223
- MORRIS Martha, 'Naval Cordage Procurement in Early Modern England', *International Journal of Maritime History*, Vol. XI, no. 1 (1999), pp. 81-99
- NICHOLAS Stephen, 'Re-interpreting the Convict Labour Market', *AEHR*, Vol. XXX, no. 2 (1990), pp. 50-65
- NORRIS J.M., 'Samuel Garbett and the Early Development of Industrial Lobbying in Great Britain', *Economic History Review*, 2nd series, Vol. X, No. 3 (1957), pp. 450-60
- NORTON Mary Beth, 'The Fate of Some Black Loyalists of the American Revolution', *Journal of Negro History*, Vol. 58, No. 4 (Oct., 1973), pp. 402-426
- O'CALLAGHAN Thomas, 'Police Establishment in New South Wales', *JRAHS*, Vol. IX, No. 6 (1923), pp. 277-309
- O'GORMAN Frank, 'Fifty Years After Namier: the 18th century in British Historical Writing', *The Eighteenth Century*, Vol. 20, no. 2 (1979), pp. 99-120
- PARSONS T. G., 'The Social Composition of the Men of the New South Wales Corps', *JRAHS*, Vol. L, No. 4 (1964), pp. 297-305
- PARSONS T. G., 'Courts Martial, The Savoy Military prison and the New South Wales Corps', *JRAHS*, Vol. LXIII, No. 4 (1978), pp. 248-262
- PARSONS T. G., 'Does the Bigge Report Follow From the Evidence?', *Historical Studies*, Vol. 15, No. 58 (1972), pp. 268-74

PHILIPS C.H., 'The Secret Committee of the East India Company, 1784-1858', *Bulletin of the School of Oriental and African Studies*, Vol. 10 (1940), pp.300-315, 699-716

PINAR Susana, 'The Scientific Voyages of Francisco Noroña, 1748-1788 in Southeast Asia and the Indian Ocean', *Itinerario*, Vol. 19, No. 2 (1995), pp.161-4

PORTER Andrew, "Gentlemanly Capitalism" and Empire: The British Experience since 1750', *Journal of Imperial and Commonwealth History*, Vol. 18 (1990), pp. 265-295

PRICE Jacob M., 'Directions for the Conduct of a Merchant's Counting House, 1766', *Business History*, Vol. 28, No. 3 (1986), pp. 134-137

PRICE Jacob M., 'What did merchants do? Reflections on British Overseas Trade, 1660-1790', *Journal of Economic History*, Vol. XLIX (June 1989), pp. 267-84

PROUDFOOT Helen Baker, 'Botany Bay, Kew, and the Picturesque: Early Conceptions of the Australian Landscape', *JRAHS*, Vol. LXV, No. 1 (1979), pp. 30-45

QUINLAN Michael, 'Regulating Labour in a Colonial Context – Maritime Labour Legislation in the Australian Colonies, 1788-1850', *AHS*, Vol. 29, no. 111 (1998), pp. 303-324

RAZELL P. E., 'Social Origins of Officers in the Indian and British Home Army, 1758-1962', *The British Journal of Sociology*, Vol. 14, No. 3 (1963), pp. 248-60

REESE T. R., 'The Origins of Colonial America and New South Wales', *AJPH*, Vol. 7, No. 2 (1961), pp. 186-197

REYNOLDS John, McRAE M. D., DAVIE D. A. and HOLLAND N. J., 'The Reasons for Australian Settlement (a response to Dallas)', *THRA*, Vol. 1, No. 4 (1952), pp. 5-16

RICE Bert, 'Were the First Fleet Convicts Bond or Free?' *Royal Historical Society of Victoria*, Vol. 55, No. 1 (1984)

RICHARDS Rhys, 'The Easternmost Route to China and the Robertson Aikman Charts', *Great Circle*, Vol. 8, No. 1 - part 1 (1986), pp. 54-67; Vol. 8, No. 2 - part 2 (1986), pp. 104-116; Vol. 9, No. 1 - part 3 (1987), pp. 48-59

RICHARDSON W.A.R., 'Java-la-Grande: a place name chart of its East coast', *Great Circle*, Vol. 6, No. 1 (Apr. 1984), pp. 1-23

RIMMER G., 'Leeds Merchants and Manufacturers in Local Government before 1840', *THRA*, Vol. 17, No. 2 (1969), pp. 38-57

RITCHIE John, 'John Thomas Bigge and His Reports on New South Wales', *JRAHS*, Vol. LX, No. 1 (1974), pp. 12-27

RITCHIE John, 'Flax and Convicts: More Light on Botany Bay', *Labour History*, Vol. 37, (1979), pp. 106-8

ROBERTS Richard, 'What's in a Name? Merchants, Merchant bankers, Accepting Houses, Issuing Houses, Industrial Bankers and Investment Bankers', *Business History*, Vol. 35, no. 3 (1993), pp. 22-38

ROBINSON D.W.B., 'Thomas Moore and the Early Life of Sydney', *JRAHS*, Vol. LVI, No. 3 (1970), pp. 165-92

ROE Michael, 'Australia's place in the "swing to the East" 1788-1810', *Historical Studies*, Vol. 8 (1957-9), pp. 202-13

RUTHERFORD G., 'Sidelights on Commodore Johnstone's Expedition to the Cape', *Mariners Mirror*, Vol. 28 (1942) part 1 – no. 3, pp. 189-212; part 2 – no. 4, pp. 290-308

SAWERS Larry, 'The Navigation Acts Revisited' in *Economic History Review*, Vol. XLV, No. 2 (May 1992), pp.262-284

SCAMMEL Geoffrey, 'British Merchant Shipbuilding c. 1500-1750', *International Journal of Maritime History*, Vol. XI, no. 1 (1999), pp. 27-52

SCHMIDT F.H., 'Sold and Driven: An Assignment of Convicts in Eighteenth Century Virginia', *Push from the Bush*, Vol. 23 (Oct. 1986), pp. 2-27

SCORGIE Michael E. and HUDGSON Peter, 'Arthur Phillip's Familial and Political Networks', *JRAHS*, Vol. LXXXII, No. 1 (1996), pp. 23-39

SCORGIE Michael E., 'Patrick Colquhoun', *Abacus*, Vol. 31 (1995), pp. 93-112

SHAW A. G. L., 'The Convict Question 1966 and 1998', *Tasmanian Historical Studies*, Vol. 6, No. 2 (1999), pp. 4-16

SHAW A. G. L., 'The hollow conqueror and the tyranny of distance', *Historical Studies*, Vol. 13 (1967-9), pp. 195-203

SHAW A. G. L., 'The British Criminal and Transportation', *THRA*, Vol. 2, No. 2 (1953), pp. 29-34

SMITH S.D., 'British Exports to Colonial North America and the Mercantilist Fallacy', *Business History*, Vol. 37, no. 1 (1995), pp. 45-63

SHLOMOWITZ Ralph, 'The Cost of Shipping Convicts to Australia', Working Papers in *Economic History* No. 35, January 1990, The Flinders University of South Australia, pp. 1-30

SOUTER Gavin, 'Governor Phillip', *Push from the Bush*, Vol. 26 (Apr. 1988), pp. 2-23

SPATE O. H. K., 'The Literature of Cook's Voyages', *La Trobe Library Journal*, Vol. 2, No. 41 (1988), pp. 25-9

SYRETT David, 'The Victualling Board Charters Shipping, 1775-82', *Historical Research*, Vol. LXVIII (1995), pp. 212-224

THOMPSON A., 'History to Scale? The British Economy in the Eighteenth Century: A Comment', *Business Archives and History*, Vol. 6, No. 2 (Aug. 1966), pp. 194-203

VILLE Simon, 'The Deployment of English Merchant Shipping: Michael and Joseph Henley of Wapping, ship owners, 1775-1830', *Journal of Transport History*, Vol. 5, No. 2 (1984), pp. 16-33

WALDERSEE J., 'James Cook: Global Genius', *JRAHS*, Vol. LVI, Part 1 (1970), pp. 1-13

WALSH G. P., 'The Geography of Manufacturing in Sydney, 1788-1851', *Business Archives and History*, Vol. 3, No. 1 (Feb. 1963), pp. 20-37

WANTRUP Jonathan, 'The Voyage of the First Fleet', *La Trobe Library Journal*, Vol. 2, No. 41 (1988), pp. 30-5

WARD J.R., 'The industrial revolution and British imperialism, 1750-1850', *EcHR*, Vol. XLVII, No. 1 (1994), pp. 44-65

WASSON Ellis Archer, 'The House of Commons, 1660-1945: Parliamentary Families and the Political Elite', *EHR*, Vol. 106 (1991), pp. 636-651

WHITEHEAD Donald, 'History to Scale? The British Economy in the Eighteenth Century', *Business Archives and History*, Vol. 4, No. 1 (Feb. 1964), pp. 72-83

WILLIAMS Glyndwr, "To make discoveries of countries hitherto unknown" – the Admiralty and pacific exploration in the 18th century', *Mariners Mirror*, Vol. 82, no. 1 (1996), pp. 14-27

WILLIAMS John, 'Irish Convicts in Tasmania', *Bulletin of the Centre for Tasmanian Historical Studies*, Vol. 2, No. 3 (1989), pp. 19-29

WILLIAMS John, 'Irish Convicts and Van Dieman's Land', *THRA*, Vol. 19, No. 3 (1972), pp. 100-120

WOOD, F.L.W., 'Jeremy Bentham versus New South Wales', *JRAHS*, Vol. XIX, No. 6 (1933), pp. 329-51

WOOD, G. A., 'Convicts', *JRAHS*, Vol. 8 (1922), pp. 177-208

8. Unpublished Theses and papers

Apart from the theses from Oldham and O'Brien mentioned in the text, which were subsequently published as books, there are no other theses in the University of London Library or elsewhere published in the last 100 years dealing with this subject.

ABBOTT G.J., *Australia's Convict Beginnings* (unpublished, 2002). I am grateful to Dr. Abbott for a copy of his manuscript.

The following theses, in the Australian National University, provide subject matter for various aspects of the colony after 1788. Apart from these few there are no theses in the archives of the Mitchell Library, New South Wales, or the National Library of Australia that deal with this particular subject. I have not been able to find another thesis in any other university archive that deals with this particular subject either.

1. RITCHIE, John,
Punishment and Profit: The Reports of Commissioner Bigge on the Colonies of New South Wales and Van Diemen's Land, 1822-23; their origins, nature and significance. ANU, Ph.D thesis, 1969
2. PERRY, T.M.
The Spread of Settlement in the Original Nineteen Counties of New South Wales: 1788 - 1829. ANU, Ph.D thesis, 1957
3. PEMBERTON, Penelope Anne,
The London Connection: the Formation and Early Years of the Australian Agricultural Company. ANU, Ph.D thesis, 1991
4. ROBSON, L.L.,
The Origin and Character of the Convicts Transported to New South Wales and Van Diemen's Land, 1787-1852. ANU, Ph.D thesis, 1963
5. WALSH, G.P.,
A History of Manufacturing in Sydney, 1788 - 1850. ANU MA Thesis, 1969
6. SWANTON, Bruce,
Protecting Sydney 1788 - 1862: public security in a colonial environment. ANU MA Thesis, 1996
7. DELANEY, John,
Bourgeois Morals / Public Punishment, England c.1750s - 1860s. ANU, Ph.D thesis, 1989
8. DERMODY, Kathleen Mary,
D'Arcy Wentworth 1762 -1827, ANU, Ph.D thesis, 1990